

Volume VI. OCTOBER, 1907. Number 4.

The South Atlantic Quarterly.

The Real Grievances Against the Railroads

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"What did they fight about?"

"Apparently the upsetting of a glass of water."

"Must have something back of it."

"I heard it so said."

Things are often not as they seem on the surface. The late legislation in North Carolina on the subject of passenger rates doesn't touch the real grievances of the people against the roads.

There has not been any feeling in the State that passenger rates are too high and ought to be reduced. There has not even been any serious feeling that freight rates are too high and ought to be reduced. The passenger rate matter is simply the point of attack. It is the upsetting of the glass of water. If the average citizen of North Carolina had been told he could have his choice of two things, viz.: lower rates, or better service,—trains run on schedule time and better station accommodations—, the answer would have been, give us the service and let the rates be as they are. The same is even true about freight rates and service. This is all, provided we get the same service and pay the same price as other people in this State or other States under similar circumstances. Well informed men who pay freight know that the rates in the United States are lower than in other countries, and the grievance of the people, as far as freight business is concerned, is discrimination and poor service, not high rates. In so far as the passenger business is concerned, the feeling is against poor service, but this latter has not had much influence in supporting the State legislation for reduction of fares.

There are three important causes of the discontent of the people against the roads. These are:

- (1) Discrimination.
- (2) Stock jobbing and watering.

(3) Lack of consideration and often discourtesy to passengers.

These are the underlying and serious grievances of the people. The removal of these would not only mean the relief of the roads from such legislative trouble as they have lately had, but would mean also permanent credit and safety of railway investments.

DISCRIMINATION.

This is the foundation of the deepest seated of the causes of discontent. It is difficult to find the way to overcome it, the more so because those who are actually conducting the physical affairs of the roads have not the liberty or power to inaugurate radical new plans of operation. The old way suits the owners because it has worked well in the past and has brought the owners to their ownership. The owners will sooner or later be driven to reform on these points to save their property from financial wreck. Here lies a danger greater than confiscation. If punitive legislation by separate States continues to grow more and more drastic there is serious danger of precipitating a financial cataclysm that would not only wreck the roads, but thereby entail infinite injury and suffering upon the people. The people of North Carolina believe that they have suffered seriously and shamefully from discrimination. Railway people never make answer to complaints about this except to refer to the prosperity of the State. This answer is like refusing to pay a just debt because the creditor has other money besides that which the debtor owes him.

The cure for discrimination is not easily found. Railway men shrink from the task of trying new schemes. Their reluctance to venture upon experiments is natural. None knows better than they, that a system that is perfectly fair and equal to all is well nigh impossible. The people believe that those who operate the roads are handicapped in two ways. One handicap is the difficulty they have in devising a system of equal freight rates, and the other is that the owners of the roads don't care so much for fair and equal freight rates as they do for profits. The people are not as hostile to the roads as the roads are hostile to any move looking to the elimination of discrimination.

STOCK JOBBING AND WATERING.

A very considerable part of the discontent of the people against the roads results from the fact that railway property is made the

subject of speculative manipulation. Railway securities ought to be as well within the reach of the people as government securities or national bank stock. Nothing could be more out of place than for railway companies to be complaining of bad credit. They have discredited their own securities more than they have been discredited in any other way. Widows and orphans may own government bonds and national bank stock, but not even the business man may with safety own a large class of railway securities. The people are forbidden by the conditions from participating in the ownership of the railways. If national bank stock were so much in the dark as railroad stock it would not be bought and held by the people either, and the banks would be suffering from the same prejudice as now besets the railroads.

INCONSIDERATION AND DISCOURTESY.

The American people do despise a little kicker,—especially a kicker whose kick would tend to cost a working man his job. To report a railroad man is the last way the average traveller will try to get even for neglect of fair treatment of him. Even when discontent breeds a State law about giving information and posting time of train arrivals, the effort of the roads seems to be to defeat the purposes of the law by the manner of its execution. A train known to be three hours late will sometimes be bulletined as on time and then posted and reposted by half hours, thus keeping the passenger waiting the entire time, whereas the time might have been put to some profitable use if the right information had been given at the start. It is such usages which bring big damage verdicts from petty juries. There is no manifestation of resentment at the time, but resentment plays a big part in the court house with the jury.

The railroad company trains its men to handle their other duties right. There is instruction about the air brake, about the rules and regulations for running trains, but none, by most of the roads, about consideration and courtesy to passengers. Those few roads which have given attention to courtesy of the operative force have found great advantage for very little trouble. In some cases the corporations seem rather to train their men to insolence. Sometimes it seems to be understood that no information is to be given out by the men, and the uniform answer to all questions is, "I don't know."

THE REMEDY.

Happily there is a remedy. It will not be found in any State legislation except as inciting cause to the proper remedy. The people are all right and they are indulging no ignoble prejudice. The men operating the railways are also all right and can be trained to give full information to the travelling public as well as nurses are trained to be pleasant and cheerful in a sick room. Many—very many—need no training. They simply need permission to give full information and otherwise accommodate the passenger. What the people want is the removal of the above causes of their discontent.

We had a similar trouble once about the tariff. After the revolutionary war and before the formation of the United States as a nation, the legislation of the different States about tariffs brought the subject into such confusion that it was intolerable. These confusing State laws made one of the strong motives for the States to go into the Union.

We had the same trouble about money. Under State laws all sorts of money were issued. In the effort to escape the evils of State bank laws the United States government undertook the ownership and operation of a government bank. It was soon turned into a political machine and Andrew Jackson broke it up. Then again we went back into the confusion of State banking. The final and eminently satisfactory remedy was found in the present system of national banks of issue, under national regulation. The examination, control, regulation and publicity of the business of the national banks is simply a financial police control. It is in no way akin to or resembles government ownership. It is simply a requirement that the banks must deal fairly with the people and that, by publicity, the people may know it.

The reasonableness of the people is at once made manifest. There is no prejudice against national banks. Nobody cares how much money they make so long as the government makes them deal fairly with the people. Money is necessarily one of the most important elements in interstate commerce and the control of it is reserved by the constitution for Congress. Therefore the control and regulation of banks of issue are federal functions and not State functions. States' rights have not suffered for such regulation and control.

President Finley has said that 85 per cent of railway business is interstate. Interstate transportation is one of the most important elements in our commerce. It is as much a federal concern as our money is, or the mail is, or as the tariff is. This national character of our railways is of comparative recent development. The handling of them by the general government would no more infringe upon the rights of the States than the handling of the mails does. Imagine having a different set of postal laws in each State and many different postage rates. How would it be to have letter stamps in North Carolina two and a quarter cents, in South Carolina three and a quarter cents, and in Virginia two cents. This would make just about such a mess of the mail service as we now have of the freight and passenger service.

No fault attaches to the States. This thing has grown upon them. Each State is now simply doing the best she can. Blows are struck at the most vulnerable places in the armor of the roads. This condition is dangerous and will grow more so as the growth of business increases. I think the managements of the roads are also doing the best they can in the present situation.

I have for a long time advocated putting the roads in the same harness as that in which the national banks are operated. The first move must be to require them to take national charters. The second is complete publicity of accounts, earnings, profits and other items. If the people see that the roads are not making money, they will not demand reductions in rates. If the securities are made as safe as national bank stock the people along the lines will buy the securities necessary to raise the money for double tracking or other extension as they subscribe now to the stock for a new national bank where one is needed. This ownership interest and a little training of the operating force to politeness would stop local prejudice and relieve the roads from unfair judgments. The national banks do not suffer from these. The publicity required by the government would relieve the operating force from the present restraint put upon them in the matter of giving out information.

Such national organization and control of the railways need not involve any measure of confiscation. Reorganization would be necessary under national charters and on a uniform plan as

the national banks are. There might be issued three classes of securities something like the following: One-third the valuation in four per cent first mortgage bonds, one-third in six or seven per cent preferred stock, and one-third in common stock with profits limited to ten or fifteen per cent as interest rates are limited. Then let the common stockholders run the roads and let them have the profits and make them pocket the losses. Then enforce a schedule of equal rates for the same service under similar circumstances. There would be infinite details like allowances for difference in density of population per one hundred miles of road and other variations.

Whatever may be the faults of the present railway owners and managers there is a large item to their credit in their account with the American people. They have developed a fabric of transportation out of compare with any other in the world. It is not only magnificent in its proportions, but the freight rates are lower than in other countries, the inequality being the item of their deficiency. Possibly complete publicity might show this fault to be much less than is generally believed. Such reorganization of the interstate railways of the country with full examination of accounts, liberal regulation and publicity would restore the confidence of the people. At present distrust on both sides is an important factor of disturbing influence. Restoration of confidence would alone be a giant asset.

Pending the accomplishment of the more comprehensive reform there would seem to be need of careful conservatism in all executive and judicial actions on the one side and of railway management under the State laws on the other side. Meanwhile the movement towards the comprehensive reform by national control should not be forgotten or neglected.

There could be no more delightful railway situation than one where the published reports showed good profits and where the question was whether to spend a surplus in improved depots, tracks and rolling stock, or to reduce rates. I believe the people would always put betterment before reduction of rates.

Ferdinand Brunetière

By OTHON GUERLAC

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Death, which to us always seems untimely, was especially rash when, without fair warning, it cut off a man like Brunetière. He was not yet sixty and he had not finished his task. His desk was loaded with copy that thousands of his readers were discounting. The latest batch of books that the boat had brought over from France contained a collection of his last articles. It was called "Timely Topics," but might just as well have kept the title of his earlier pamphlets, "Discours de Combat," for his fighting mood had not abated. He died in the saddle as he lived—a fighter; by temperament, by calling, by preference he was a fighter and a fighter he remained to the end.

One could not see his stooping and slender figure, his dark and feverish eyes, his nervous and trepidating manners, hear his shrill and imperative voice, accompanied by that familiar cutting gesture of the hand, without feeling that he had been built by nature for the militant life. His whole machine, with all its wheels, straps, and pulleys, was in perpetual motion—always under pressure, in readiness—ready for action, ready for fight.

What he fought for during the last thirty years can be summed up in one word, which embraces literature, philosophy, politics, and religion, and that is, Authority.

The principle of authority with its corollary, the respect for tradition, received in our times and is receiving every day telling and painful blows.

Brune tire took up the cudgels for this hoary and much abused bugbear of our age of rebellion. It gave him a special pleasure and he took particular pride to appear in the arena as the self-appointed avenger of the fallen god.

From the first day his name appeared in the *Revue des Deux Mondes* (April 1, 1875,) to the last book that he published, he stood up as the stern and aggressive apologist of that age of intellectual absolutism, the seventeenth century. "We shall speak this year about the *great century*—I mean the eighteenth," said once a lecturer of the Collège de France.

To M. Brunetière there was only one great century—the seventeenth. He was priding himself last year on the space that period was to occupy in his general history of French literature (that now will never be completed)—three volumes out of five. Those authors alone really interested him. Indeed he measured everything and everybody by their standard, the standard of Corneille, Racine, Boileau, Pascal, Bossuet, especially Bossuet. His admiration, his worship for Bossuet was a subject of common pleasantry. In him he found every quality and every virtue—beauty of style, depth of thought, nobility of character; no qualities were denied him by Brunetière, not even those that he actually possessed. Seventeenth century literature gave Brunetière his canons of criticism. He judged, approved, or censured them in proportion as they agreed with or departed from those canons. Like Boileau he believed that there is a law of literary and artistic perfection that can be formulated and almost enforced.

There are works that are beautiful *in se*—in spite and regardless of passing opinions and ephemeral tastes. Criticism has no objective value and the critic has a right—nay, must as a duty pass judgment without appeal. “There is,” he said somewhere, “a definite way of thinking about Corneille and Racine.” No one has more persistently tried to spread among the public that way of thinking.

The arguments of the impressionists of the Lemaitre and Anatole France kind have found him unassailable and to him the axiom that there can be no disputing of tastes seemed fallacious and impertinent.

He spent his life disputing about them and thundering against people who followed their own. His first *entrée* in literature was by an article attacking the realistic school whose taste was to paint the crudities and horrors of life. He went on brandishing his whip over the heads of all the writers, living or dead, whose conceptions of art were at variance with his own, romanticists or impressionists, “Baudelairians” or decadents. It almost seemed as if, in his periodical articles of criticism he condescended to leave off his praise of the classics only long enough, to give the lash to some writer, modern or not, be he Zola or Labiche, Victor

Hugo or Baudelaire, Voltaire or Rousseau, who had somehow refused to bow before the dictates of Boileau.

These articles of criticism—the last of which appeared a few days before his death on the first of December, 1906—aggressive and sometimes unjust as they were, had several marked characteristics. They all bore testimony to his wide and accurate knowledge of literary history—which, especially on the seventeenth and eighteenth centuries, was well nigh infallible.

They all contained brilliant and often misleading generalizations full of novel and illuminating points of views. Read in this connection his papers on the "Essential Character of French Literature," or on "The Latin Genius." His very last article has a few paragraphs on the "Salons" that are in his best vein, full of information, and rich of suggestions.

Such articles more than any other of his literary productions illustrated the clear, logical mind of M. Brunetière. Obviously he could think only in syllogism. Every subject presented itself to his mind in the form of a thesis that had to be proven. And to support it he would gather arguments carefully numbered and classified, select from his well stored memory striking illustrations and apt quotations. He marshalled his ideas as a general marshals his troops, and he would throw them in dark and irresistible masses against his supposed enemies with an impetuosity and a *furia francese* that carried with them his readers astounded and helpless if not convinced.

And all was expressed in a style that has been accused of heaviness and incorrection, but is, for all that, vigorous, nervous, and energetic to a degree. It has been for years a familiar sport with students of literature to imitate his archaic diction, his seventeenth century syntax, his long and intricate periods with their rough contexture of relatives and conjunctives, their heavy artillery of adverbs, their *pour ce que, parce que donc que, si j'ose m'exprimer ainsi*, which always made his writings recognizable among all others.

Indeed more than a writer Brunetière was an orator. His articles were orations and had the careful structure, the close knit logic, the movement of an argument in court. He always craved a platform. When, in spite of his remarkable dearth of university degrees (he was only an A. B.), he became lecturer at

the Ecole Normale Supérieure, the great seminary for university teachers, he was not satisfied. He wanted the larger public and the more conspicuous *rostrum* of the old Sorbonne. So this critic succeeded in doing what none of his predecessors could have done to the same extent—keeping hundreds of hearers spell-bound under his magisterial eloquence, while he was expounding with the dry and severe austerity of the teacher, and none of the graces of the *matinée* lecturer, the history of the French theatre, the evolution of French lyric poetry, and the works of Bossuet as a historian, a philosopher, a preacher, and a writer.

In these lectures delivered either at the Sorbonne or the Odéon theatre, as well as in speeches addressed to provincial audiences, M. Brunetière was at his best. Thanks to his clear and vigorous delivery, his oratorical skill, his action, his voice, those long periods of his which seem ponderous to the reader were, on the contrary, powerful, direct, and remarkably effective.

I once heard M. Brunetière acting as his own lawyer in a suit brought against the *Revue des Deux Mondes*, and while his opponent, a professional, awkwardly read a carefully written argument, the critic, like an experienced barrister, pleaded his case with a cogency and force that would have done credit to any old lawyer. He entertained the judges if he did not convince them; for he lost his case.

If eloquence is something more than the power of "speaking alone and a long time," to use La Bruyère's definition, if it must be actuated by strong convictions and deep emotions, there is not far to go to find the motor of Brunetière's oratory. It is in the central idea of all his criticism, namely, that every work must have an aim and that aim must be the betterment of man, the strengthening and purifying of society.

"Literature is not an amusement of idlers or a pastime of mandarins, it is a means of moral improvement." This was his *leit motive* expressed and developed in a hundred articles and speeches. That is why he has written so scathingly about those who practice the theory of art for art's sake, and that is why he has praised or condemned writers and books according to a standard of his own.

He was a man of action before being a man of theory. A French philosopher, M. Darlu, who did not like him, called atten-

tion, in a little pamphlet, "M. Brunetière and Individualism," to what he called the two causes that vitiated in him the source of thought: one is a sort of "scholastic verbalism," the other a "tendency to consider practical consequences rather than the truth of opinions."

This latter tendency will account more than any other reason for some of the more startling of M. Brunetière's recent manifestations which centered around what was improperly called his "conversion." That this fervent admirer of Bossuet, this advocate of authority, this apostle of intellectual and religious discipline, this opponent of individualism should have gone back whence he came and gradually, after temporary wanderings, landed where he was bound for, at the feet of the Holy See, could astonish those only who knew little or nothing of his ideas. This incident which occurred in 1895—the year in which he wrote his famous article on the Vatican and attacked the "pretensions of science"—can hardly be called a victory for religion. The reasons for this step were, as he told them in various articles and summed them up for M. Yves Guyot in 1898 (*Les Raisons de Basile*, p. 68), mostly political. To M. Hyacinthe Loyson he confessed himself to be "a tired rationalist who submits himself to the authority of the church."

But in this new capacity, so widely advertised and misconstrued, this "tired rationalist" showed himself sometimes awkward and ill at ease. Because he had, for instance, in 1906, on the separation of Church and State, signed a letter to the Bishops which was not heeded, he suffered the penalty of most moderates, and was attacked by both parties.

For the last year Brunetière had been slowly declining. His untiring activity, his excesses of work destroyed his frail envelope and his friends saw him die away slowly. His life, in spite of his brilliant successes, did not seem to have made him happy. His early career was a hard struggle. After having failed in his examinations for the entrance of the Ecole Normale Supérieure he had to teach, at thirty dollars a month, in a preparatory school of Paris. There he was the colleague of Paul Bourget, like himself then unknown to fame, and who has told us of the tenacity of will, the laborious habits, the ardent beliefs of his friend who had to steal of his sleep the time necessary to complete his educa-

tion and who already displayed with his friend the argumentative mood which became his second nature. A lover of the classics he was then and he always remained, and to witness the plays of his favorite authors he had to enroll himself in the "claque" of the Théâtre Français.

Brunetière came out of the struggle for life victorious, but melancholy and morose. While he inspired respect he seemed never to have gained affection. His foes called him a "*pion*." His reactionary attitude in public questions deprived him of the last honor that he seemed to covet—he who had not university degrees—the position of professor at the Collège de France. The place was given to a less brilliant but more sound thinker and scholar. His services to literature cannot make us forget that on some of the main issues of right and of public morals that have been before the French public in the last ten years Brunetière found himself unfailingly and obstinately on the wrong side, on the side where "he ought not to have been," to use the phrase by which he attacked the men of letters and the scholars who in 1898 were championing an innocent victim of clericalism and militarism. His unfair onslaught on "Science" in 1898, his specious and sophistic pleadings for the Church of Rome as the ideal government of the society of the future, his offensive attack of last year on the apostles of peace and arbitration, his long quarrel with Yves Guyot anent the Dreyfus case, revealed intellectual idiosyncracies that, without discrediting his character, must, in the eyes of all intelligent and broad-minded people, weaken his authority as a leader of thought.

For his serious and noble advocacy of a high moral ideal in literature and art he deserves praise; for his virulent treatment of vulgar and pestilent books generous applause is his due; but above all as a writer on the history of literature his good work cannot be overestimated.

His famous invention of the "Evolution of Genres" may be, at best, a clever device to illustrate certain literary phenomena, such as the disappearance of tragedy and the revival of lyrical poetry in the nineteenth century. But in claiming for chronology its proper place in the explanation of influences, in pointing out the filiation of works and the mutual influence of writers, in introducing into criticism an objective element and "giving to critical

judgment an impersonal value" he has done good and useful work.

Lastly there is not a student of literature, in France or abroad, who is not his personal debtor for some of those lucid, suggestive, comprehensive, and exhaustive outlines which he has left us on the life and works of some of the great writers that he knew so well.

Brunetière was fond of America because he had visited it in 1897 on a call extended by Johns Hopkins University and was well received. He had many friends in this country and was widely if not always intelligently admired.

Now that he has gone it may be worth while, after paying our respects to a man who has honored the world of letters, who has been a faithful worker and striven for a high ideal, to remind his enthusiastic readers that, for having abdicated the independence of his conscience, put his intelligence at the service of a given doctrine, introduced his party passions and prejudices in his judgments as critic, M. Brunetière will always lack the confidence of the free minds that recognize no other authority but truth.

Life, Liberty, and the Pursuit of Happiness in Modern Society

By DAVID Y. THOMAS

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Our Declaration of Independence holds as one of the self-evident truths that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are "life, liberty, and the pursuit of happiness." To secure these rights, it asserts, governments are established among men and "whenever any government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its power in such form as to them shall seem most likely to effect their safety and happiness."

What are life, liberty, and the pursuit of happiness?

As used here the term life simply means the continued existence of one's physical being.

Liberty is a less definite term, but it is capable of a satisfactory definition. Students of society tell us that complete liberty, natural liberty, as the jurists call it, existed in the horde or disorganized mass of humanity, if such a condition ever obtained. It was complete liberty in that nothing was forbidden, there being no law to forbid. The individual sought his food in the forest and at the hands of weaker men. The only law of justice was that might makes right. When a strong man met a weaker he robbed him and often slew him. Such was the liberty of the horde.

Liberty in society is quite another thing. Political liberty may be defined as the right to participate in government; civil liberty as security of person and property against unjust seizure by one's fellows or his government; industrial liberty as freedom of vocation and trade.

The pursuit of happiness is a term even less definite than that of liberty, but the following definition will serve as a working basis. It means seeking after those things which one believes

will contribute to his intellectual, spiritual, and physical well-being.

The purpose of this paper is to show that the struggle to secure these so-called inalienable rights has already passed through two stages and is now entering the third, or rather is reverting to the first under changed conditions.

When one surveys the whole field of history he must confess that the primary object of all activity has been the increase of the food supply. By food is meant the material factors in our civilization. To secure these governments have been instituted among men. At times religious motives apparently have been dominant, at others, cultural, but on the whole the question of the food supply has always been to the fore. It may be objected that this is a very materialistic view of our civilization. Not necessarily so. It is first of all a question of fact, and that it is a fact cannot be successfully controverted. Whether it gives us a materialistic civilization will depend upon the use made of the food supply. Any one of several ends may be accomplished. A greater population with little or no advance over the social condition of the previous generation; a decrease of population in one section of society with a rise in the standard of living; or, a smaller increase in the total population in all classes with a higher standard of living—better food and more leisure for play and culture.

From the time that man first appeared on the earth it has been a continual struggle of the weak against the strong, mainly over the question of the food supply. Groups formed for coöperation in securing food, for companionship, and for protection against wild animals and fellow men, compromising on the matter of their unbounded liberties. Family, industrial, and religious groups appeared spontaneously and almost simultaneously. The family became the unit of social order for industrial and religious ends. Then it became a struggle of family or group against group for the mastery of the soil and the food supply. The liberty of the individual was limited for the good of the family or group. Natural justice, that might makes right, still obtained between the groups, but no longer as between individuals of the same group. A might no longer oppose B of his own group and rob him of his food. Rather the food belonged to the group. It

was generally found by groups, but even when found by an individual, his liberty to use it as he saw fit was limited by considerations of the social good. If he might not rob his fellow, much less might he slay or enslave him.

From this it resulted that, as the liberty of the individual in the horde was sacrificed, equality made corresponding gains. In surrendering his right to a precarious existence at lawless will, the individual obtained greater security in life and sustenance and in return was bound to share the advantages of this security with his fellows. He had surrendered the liberty of anarchy for the more valuable, if more restricted, liberty of the social group. Justice was now meted out for the individual and social good as over against the imagined good, avarice, or vengeance of each man.

It is not meant by this to imply that primitive men reasoned the matter out on principles of right and justice and then set up a government by common agreement. The first government of which history has any knowledge was the patriarchal, and this was founded upon power, the physical power of the father over his child. There can be no doubt that the power of the patriarch was used for beneficent ends in all questions of group against group. Within the group, too, there must have been an attempt to protect the individuals from oppression by their fellows. Soon to the sanction of physical power was added that of religion. Then the children submitted to the will of the father after becoming grown, believing that it had been divinely so ordered for the good of all.

In this way, we must believe, government had its beginning. It was an attempt to secure the individual in his food and person. Unfortunately it was not long after the institution of government before those whose duty it was to protect the members of society against oppression by their fellows proved recreant to the trust and themselves became oppressors. Life, liberty, and property again become insecure, now as over against the very government which had been instituted to protect them. The despot, who had thrown around himself the sanctity of religion, might cast his subject into prison, rob him of his property and even of his life. The inter-group law of might makes right was now applied within the group as between the ruler

and ruled. For a time the people submitted, not daring to question the divine sanction which hedged about the throne, and claimed that it was done for the social good. But by and by intelligence penetrated the false sanctity, and the struggle between right and power was renewed to last for centuries. The history of this contest may be read in the struggles of the barons against the king of England, then of the people and king against the barons, and finally of the people against the king. Before the close of the eighteenth century life, liberty, and property were reasonably secure against the government in England and moderately so on the continent, though many relics of privilege in society remained over from the struggle of the king and people against the barons. In the latter half of the eighteenth century a new nation came to manhood in America which ostensibly was based on liberty and equality.

When the Convention of 1787 came to formulate the fundamental law of the new nation it embodied in the Constitution some of the principles of the Declaration of Independence, but rejected others. That the principle of equality was not understood to apply outside the dominant group is evidenced by the fact that the custom of holding the members of a different race in subjection was allowed to continue. Political liberty was not defined and secured, but was left to the determination of the various commonwealths, acting, it is true, in a *quasi* sovereign capacity, and they were far from making it universal. Civil liberty was guarded much better, and here all except the subject race were assured of equality in rights against the government, and, since the abolition of slavery, this guarantee has been extended to all. To the guarantees of the original Constitution still more were added in the first ten amendments and still more in the fourteenth. The last reads in part: "No state shall make or enforce any law which shall abridge the privileges of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It will be observed that practically all these safeguards protect the individual against the tyranny of the government, though they may afford incidental protection against his fellows. One

and only one important step has been taken in this direction, the Thirteenth Amendment, which forbids the application of the old inter-group law of enslavement. Aside from this the safety of the individual as over against his fellows is left almost wholly to the commonwealths enforcing statute or common law with impartiality. So far as law is concerned, the individual is perfectly free in making contracts and, ostensibly at least, the law protects him in his agreements. Evidently our law is based on the assumption that when the individual is protected against the tyranny of the government and assured of equality with his fellows before the law, his life and liberty, both civil and industrial, if not political, will be secure.

But at the very time that life, liberty, and property were being secured against the government an industrial revolution was gaining headway which, in a measure, has brought about the same state of insecurity against the individual that prevailed in the lawless liberty of the horde. There can be no doubt that the system of governmental interference and regulation through guilds, monopolies, and tariffs, had outlived its usefulness. Adam Smith first clearly showed the folly of continuing such a system and gave the first real prominence to Gournay's *laissez faire, laissez passer*, which meant freedom of trade and industry, so far as the exigencies of government would allow. This doctrine had taken a strong hold on economic thought before 1787, consequently the fathers put nothing in our Constitution to abridge such freedom, except the somewhat indefinite power of Congress to regulate commerce and lay taxes. The most of such restrictions as remained in the commonwealths were soon swept away and the last of them disappeared in 1865.

What has been the result? Men were turned loose upon the fairest continent nature has provided for her children and told "shift for yourselves and the devil take the hindmost." It was a reversion to the conditions of the horde, except that they now matched brain against brain instead of brawn against brawn. Possibly the theory was that men were now industrial saints and no longer needed watching. However, it was recognized that not all belonged to this class and some were denominated murderers and thieves and the government was set to watch them. It has been reasonably faithful to its duty in protecting the

individual against direct deprivation of life, liberty, and property, but does it protect him as fully as possible against indirect attack by those who wear the robes of saints? In the horde it was power, physical power and cunning, if you will, neither protected nor restrained, which enabled the strong to oppress the weak; today it is power, financial power, that is, an accumulation of the food supply, which enables one man to rob his fellows of the right to all they hold dearest and do it under the protection of the law. Not content with the excess which a superior mental acumen enabled them to accumulate, certain ones have secured favors from the government under the guise of the protective tariff and so piled up millions. Not content with the powers of individuals they have secured the creation of artificial persons under the guise of corporations endowed with the combined powers of the individuals and obtained immunity baths from indulgent judges.

Let us now examine the case for life, liberty, and the pursuit of happiness under modern industrial conditions.

That life is insecure is attested by the ever increasing fatalities on railroads and in factories where the danger to the life of the worker is not reduced to the minimum by safety appliances—because it would cost the owner something. The number of all persons killed by the railroads has increased from 6,448 in 1896 to 9,703 in 1905; the number of persons injured from 38,687 to 86,008, the latter being an average of 235 for every day in the year. Bad as this increase is, it would not be so alarming if it were in proportion to the increase of business, but such is not the case. Passengers do not furnish anything like all the dead and wounded, but the passenger's chance of meeting death has increased more than fifty per cent and of being wounded more than one hundred. Four of the most terrible battles of the civil war, Gettysburg, Spottsylvania, the Wilderness, and Chickamauga, cannot equal the dead and wounded of the railroads for a single year. This frightful holocaust is bad enough, but it must be remembered that the railroads are not responsible for anything like all our fatalities. The writer has no reliable statistics for other industries, but, judging from press accounts and estimates, they probably would double, if not treble, the number. How many die of diseases due to unsanitary conditions can never be known.

On the whole there is little cause for complaint on the score of personal freedom, but political liberty is made a mockery by bribery at the polls and in legislative halls. Often the very slush funds with which electors and legislators are corrupted have been wrung from the people by means of laws passed against their will to favor the few at the expense of the many, or in violation of law.

The case for industrial liberty is no better. There was a time in the history of society when the ownership of land was restricted, certain lands being confined to certain classes. Today in most civilized countries that is no longer the case; in the United States there is perfect freedom in land tenure and any individual may select any lot which he thinks will contribute most to his happiness. But sometimes he finds himself very much hampered in securing the lot. Ofttimes it so happens that, a generation before he was born, a man settled upon this lot, paid the price therefor to the government or to some individual, and then, at the close of his life, without having done anything in particular to enhance the value of his holding other than await the development of society, left it as a source of perpetual happiness to his children in that it supports them without work. This the man of today tolerates in the hope of some day drawing a lucky number, and in this hope pays his proportionate share of the public contribution, instead of demanding that it be made progressive and imposed on incomes, inheritances, and the unearned increment.

There was a time when men were born under a status, which determined their vocation in life. We have advanced beyond that stage and no man in the United States, since the abolition of slavery, has had any legal restrictions thrown about his choice of a life work. He may become a farmer and sell his products in the markets of the world and buy wherever he pleases—provided always that the gamblers of the pit, acting under the same law of liberty, and our protective tariff, leave him with anything with which to buy. Wearying of the country he may turn to merchandise, provided that his rebate-receiving competitor leaves him enough to support himself and family. Turning to life insurance to provide for his family in case of death, he finds his dividends squandered in high finance for various purposes, among them to

defeat his will at the polls and send those who rob him to the legislative halls.

As for the day-laborer, he breathes the very air of freedom, as one may gather from numerous decisions of our State and Federal courts. One of the most striking of these, to which the writer's attention was first called by Mr. George W. Alger,* was rendered in New York. The law restricted the liberty of manufacturers engaged in certain lines of industry by requiring them to safeguard their machinery for the protection of the employees, but the Court of Appeals held that laborers—a woman in this case—were free to work without the required safeguards and in doing so had waived all claim for damages. Yes, they were free to refuse to work under such conditions—or starve. A very similar case is reported in the *Federal Reporter*. A brakeman in Iowa was ordered to flag a train in a very dangerous place. He obeyed and lost his life. In an action for damages the court held that he was guilty of contributory negligence in obeying the order, hence no action could lie. He was free to disobey—and lose his job.†

The laborer is free as to the number of hours he will work under contract, from none to twenty-four. A statute of New York forbade any employee to agree or contract to work more than ten hours a day in any bakeshop and made it a criminal offense for any employer to allow it. This law was upheld by the Court of Appeals, but the United States Supreme Court declared it void as contravening the Fourteenth Amendment, which forbids any State to deprive any person of life, liberty, or property without due process of law. The right to purchase or sell labor and make contracts, said Mr. Justice Peckham for the majority, is a part of the liberty protected by this amendment, unless there are circumstances which preclude the right. The statute in question could not be justified as a necessary police measure, hence was void.‡ Mr. Justice Harlan, for the dissenting justices, pointed out that this decision was inconsistent with two previous decisions of the same court upholding similar laws for the protection of workers in laundries in San Francisco and in mines in Utah (*Barbier vs. Connolly*, 113 U. S., 923, 1145; *Holden*

*Atlantic Monthly, March, 1906.

†Chicago and Great Western Ry. Co. vs. Crotty, 141 Fed. Rep., 918 et seq.

‡Lochner vs. N. Y., 198 U. S., 937 ff.

vs. Hardy, 169 U. S., 366, 391). To her honor be it said that Missouri has sustained a similar law on sanitary grounds. The inference is that such laws would not be upheld except as police or sanitary measures.

But even this is a step forward. By and by we shall extend sanitation to cover the worker and all concerned. Ever since the coal strike of 1902 the public have been asking if they have no rights which the operators and miners are bound to respect—if their freedom to keep the mine in operation or not, as they see fit, while disputing over wages, is a more sacred right than that of the public to keep from freezing. If society can forbid positive acts injurious to itself, why can it not forbid abstaining from doing certain things when the abstention is highly injurious? It may be objected that the logical result would be work under compulsion, or slavery. Not necessarily so. It simply means, cannot some way be found to keep in operation industries which are of vital concern to the daily life of the people?

In America a man's home is his castle and is protected from unwarranted search or seizure. There every man is his own master. From the very beginning husband and wife have been partners in the economic struggle. They are free to work in the home together, as the New York Court of Appeals said in the famous *In re Jacobs* case, and free also, it might have added, husband, wife, and children, free to toil in the crowded sweat-shops of the tenements and die of overwork or endemic diseases.

The wife is also free to accompany her husband to the factory and become a worker there. Individualism gone mad says the children must have this same freedom and they are availing themselves of it in increasing numbers, in spite of the laws attempting to limit the evil. While the population of the United States increased 50 per cent in the two decades, 1880 to 1900, the number of boys from ten to fifteen years of age who work in factories and shops increased 100 per cent, and the number of girls 150 per cent. Since 1900 the increase is believed to have been more rapid. The census of 1900 shows 24,000 children in Southern cotton mills; the number now probably would reach 60,000. A very beautiful situation this, according to individualism, where each supports himself and is a burden on nobody.

But at what a cost we have achieved this result! The wife and children have entered the factory to become competitors of the

husband and father to the reduction of his wages and the destruction of the home. Formerly it was possible for him to support the family, have some leisure for home life, and give his children some of the benefits of education. Now he and his whole family must work—and enjoy their freedom.

All of which means that life, liberty, and the pursuit of happiness are again subject to the will of the strong. The laborer has recognized the mockery of this freedom which is closing down upon him on all sides and is endeavoring to limit it by trades unions and the closed shop. Whatever may be thought of the justice and morality of the latter—and it does look unfair to one reared in the present atmosphere of freedom—it cannot stand under our present system of contract. That clause of the Federal statute which forbids employers to endeavor to restrain their employees from joining labor unions was declared void in November, 1906, by the Federal court at Louisville, as not coming within the power of Congress to regulate interstate commerce. Well might the laborer exclaim, in the words of Madame Roland, "O liberty, what crimes are committed in thy name!"

Says the French Declaration of the rights of man: "Liberty consists in the freedom to do everything which injures no one. . . Law can prohibit only such actions as are hurtful to society." All such it should prohibit. It is hurtful to society, as well as to the individual, for one of its members to be driven to the wall by unfair methods of competition. It is hurtful to society as well as to the individual, for the laborer to have—I almost said enjoy, but he cannot enjoy—academic freedom when the real substance is denied, in that he has no real protection against unsanitary or dangerous conditions. Free to leave one employer and go to another? Yes. According to figures presented by Mr. Robert Hunter, who has made a careful study of the subject, 10,000,000 people have only a few days between them and actual want. If the laborer is sick a few days, he approaches the vanishing point of his little store. The same thing results when he is out of work—it may be for refusing to work under improper conditions, in which the government ostensibly upholds him, or for unfair wages. Then, approaching despair, he returns to work and robs his brother of a living wage.

The evil effects of these various conditions are easily discernible. In the well-to-do classes the birth rate is small—children

are an impediment to the pursuit of happiness, that is, to a continual round of pleasure. In the lower ranks several tendencies are noticed. In some groups the birth rate is limited because the home is practically broken up by the conditions of toil. In others children are brought forth to become toilers themselves at a tender age and, if they survive at all, lead a life of misery and despair. In yet others more intelligent there may be a purposeful limitation of the increase out of consideration for the present and coming generation.

But, it may be objected, in spite of all this, our population is constantly increasing. In the United States at least we do not seem to be in immediate danger of race suicide. Also, we "point with pride" to the rapidly increasing wealth of our country and the rising standard of living. The increase of wealth per capita has been from \$870 in 1880 to \$1,037 in 1890, and \$1,235 in 1900. But, while we point with pride to this fact, we may well "view with alarm" the actual division of this wealth. While the writer has no complete statistics as to the actual per capita divisions, there is little doubt that the differences are enlarging in favor of the few against the many. According to Mr. Hunter, one per cent of the families owns 54.8 per cent of the wealth of the country; 10.9 per cent own 32.2 per cent, and 38.1 per cent own 13.0 per cent, the last with an average of \$1,639 to the family, while 50 per cent of the families own a negligible quantity.

It may be replied that all are equal in rights. In the abstract yes; in reality no, for in the nature of things it is impossible for all to be equal in power, not being equally endowed by their Creator, and it is in the use of power that the greatest inequalities arise. Theoretically all are equal in rights in the acquisition and use of power, but only so before the law. Has one an inalienable right to power when he abuses it, even if not in open defiance of the law? The unbiased student of history must confess that the doctrine of inalienable rights has never been generally accepted in practice since the horde gave place to social groups. The liberties and rights which men possess today are the creation of society, at least a remnant of rights left by society in depriving the individual of others. If it deprive him of some, it can deprive him of others for the same reason that it deprived him of the first.

Where lies the blame for present conditions? Partly in our law and custom and partly in our ideals. The first is largely an inheritance of English law and custom, where the sacredness of private property has ever been a shibboleth. We have guaranteed life, liberty, and property against the government on the assumption that the individual possessing these would thereby be assured of the right to the pursuit of happiness. It is this law that the courts are enforcing and for this they are not justly liable to blame. Occasionally they do appear to stretch the law to uphold vested rights. The writer has a great admiration for the genius of John Marshall, who did so much to strengthen and perpetuate the nation, but he fears that, just as the woes of Troy dated from the judgment of Paris, so some future historian will point out that our corporation ills began with the Dartmouth mouth College case. It certainly has been a great boon to the "interests." Sometimes, however, the courts resort to a liberal interpretation for the benefit of society at large.

The idea of leaving the way open and unobstructed to all has taken a strong hold on the imagination. Since this condition has made it possible for one to rise above his fellows, our social ideals have made it imperative for every one to strive to accomplish that end. Place and power is the goal of every one. The lowest rank looks above and sees the struggle there, the next does likewise, and so on, the struggle becoming fiercer with each ascending scale. There is no time for leisure, except with a few at each extreme. The one class we call "tramps," the other "our best society."

The remedy is not far to seek. Our laws should be purged of privilege. It was privilege that brought on the French Revolution. With this terrible example before them, will men continue to pile up wrath against the day of judgment? It is better to yield some now in the hope of saving what is best in the old order. Along with the abolition of privilege should go a moderate readjustment through an income and inheritance tax. Both of these are simple and workable. A tax on the unearned increment is just in principle, though not so easy of operation. A change of ideals should follow, the setting of right and justice above might and greed. Instead of teaching men to strive to put money in the purse, let us teach them to strive for the higher life, the life whose values are not measured in dollars and cents.

The Passenger Rate War in North Carolina

BY ROBERT W. WINSTON, ESQUIRE

Of Durham, N. C.

By an Act of the General Assembly of North Carolina, passed during the present year, severe penalties are prescribed for railroads, except very short lines and new roads, that charge a passenger rate exceeding $2\frac{1}{4}$ cents a mile. Previous to said act, first and second-class rates prevailed in this State; the first-class rate was $3\frac{1}{4}$ cents a mile, the second-class rate was $2\frac{1}{4}$ cents a mile. The act of 1907 abolishes the difference between first and second-class and puts all passengers upon a common basis. By the terms of this act the new rate went into effect July 1, 1907. During the month of June, 1907, the Southern Railway Company applied to U. S. Circuit Judge Pritchard and obtained an injunction restraining the Corporation Commission of North Carolina from performing any duties in respect to the new act, and restraining it and all other persons, etc., from endeavoring to enforce the penalties provided in the act or from preferring indictments against agents of railroads selling tickets at the old rate. Judge Pritchard heard argument at Asheville in June, 1907, upon the question of continuing his restraining order until the hearing of the case. After lengthy argument by attorneys representing the railroad and the Corporation Commission, but not the State of North Carolina, the injunction was continued until the hearing, and railroads continued to sell tickets at the old rates.

During the month of July, Wake Criminal Court convened in Raleigh, Judge Long presiding. In addressing the grand jury Judge Long, as is the North Carolina custom, delivered a charge reminding the jury of its duties towards the State and the people thereof, and directing them very particularly to inquire whether the railroads of the State were violating criminal law in selling tickets at a higher rate than that provided by the statute, to-wit: $2\frac{1}{4}$ cents a mile. In consequence of this charge Southern Railway Ticket Agent Green was indicted for selling a ticket in Raleigh at a rate exceeding $2\frac{1}{4}$ cents. After considerable skirmishing, the railroad and its ticket agent were put to their trials. The South-

ern Railway contended that Wake Criminal Court did not have jurisdiction of the case because it was then pending in the Circuit Court of the United States, also that the rate fixed by the North Carolina Legislature was so low as to amount to a confiscation of its property, and that said act was not in consonance with Section 1, Article 14, of the Amendments to the Constitution of the United States, in that it deprived the railway company of the equal protection of the laws. The railway company offered no evidence tending to show that the act was unconstitutional on the ground that the rate was confiscatory. It claimed that it had not sufficient time to procure this evidence, though the trial judge offered to prolong the trial a month or more if necessary, and the attorneys for the State insisted that all facts bearing on this contention were in the ready possession of the defendant, since the same ground had just been traveled over in Judge Pritchard's court. Trial Judge Long held that the act was constitutional; that the Criminal Court of Wake County had jurisdiction; that the act was self-executing; that it stood alone and was not to be taken in connection with other railroad legislation enacted at former sessions of the legislature. The trial judge likewise held that the act did not impinge upon the Fourteenth Amendment to the Constitution of the United States. The jury found both the ticket agent and the Southern Railway guilty of a misdemeanor in selling a ticket at a higher rate than 2¼ cents. The agent, promising not to sell tickets again, was not punished and the same terms were offered to the Southern Railway if it would obey the act of 1907. The Southern Railway refused to desist from violating the act and was fined by the court the sum of \$30,000. From this judgment an appeal was taken to the Supreme Court of North Carolina, where it will be argued during the present month. Meanwhile evidence as to the confiscatory character of the rate is being taken before a Standing Master in Equity in the case pending in Judge Pritchard's court. Both the case originating in Wake Criminal Court and the case originating in Judge Pritchard's court are rapidly hastening to the Supreme Court of the United States, where the clash between the State court and United States court, thus for the first time presented in this shape, will be determined.

It is interesting to note that while Ticket Agent Green was in cus-

tody of the sheriff of Wake County, i. e., during his trial, the Southern Railway applied to Judge Pritchard for a writ of *habeas corpus* asking his discharge on the ground that he was protected by the injunctive order theretofore granted by the Circuit Court. There is no doubt that the ticket agent would have been taken from the Wake County sheriff by a United States marshal and set at liberty by Judge Pritchard, who went from his home in Asheville to the Criminal Court in Raleigh, but for a *coup d'etat* of the Wake Criminal Court. Judge Long released the ticket agent from the sheriff and took him in his own custody. Now, if the marshal shall serve his writ of *habeas corpus* it must be upon Benjamin Franklin Long, Judge of the Courts of Law and Equity of the Sovereign State of North Carolina! What effect such a proceeding would have had upon the people of North Carolina no one can tell, nor was any one willing to make the experiment. The writ of *habeas corpus* was not executed.

One who is not a lawyer cannot understand what difference it makes whether a case originate in the State court or in a United States court, when, in either event, it must finally reach the Supreme Court of the United States and be there heard and determined. The difference, however, is a material one. When the highest court of a State construes a statute, that construction is taken by the Supreme Court of the United States and is accepted by the latter court as the law of the case. Therefore it makes a world of difference whether Judge Pritchard shall first construe the act of 1907 or whether the Supreme Court of North Carolina shall first construe the same. Judge Pritchard has held in his written opinion in this case, that the act of 1907 is not self-executing; that by the principle of *in pari materia*, the act of 1907 is to be construed in connection with all other railroad legislation of the State of North Carolina, and that when so construed the Corporation Commission and the Attorney-General of the State of North Carolina have duties to perform in respect to said act, and that said act cannot be put into effect except after these duties are performed by said officials. Indeed Judge Pritchard holds that a rate of 2¼ cents is not fixed by the act of 1907 and that the said act simply provides that the rate shall not exceed 2¼ cents, leaving it to the Commission, under a former statute, to fix the rate at less than 2¼ cents if it see fit to do so.

On the contrary, if the Supreme Court of North Carolina shall affirm Judge Long, they will hold that the act of 1907 is self-executing; that it stands alone, unmixed with any other railroad legislation; that the Corporation Commission of North Carolina having fixed a rate at $3\frac{1}{4}$ and $2\frac{1}{4}$ cents respectively, the legislature of 1907 (dissatisfied with this ruling of the Corporation Commission) took the matter of passenger rates entirely away from the Corporation Commission, fixed a flat rate of $2\frac{1}{4}$ cents and enacted a statute of only five paragraphs, simply providing for penalties against any one who violated the provisions of said act. If the Supreme Court of North Carolina shall hold that the act of 1907 is self-executing and that the Corporation Commission and the Attorney-General had nothing to do with giving effect to the statute, and if the Supreme Court of the United States accept this construction, it is conceded, on all sides perhaps, that the Circuit Court had no power or authority to restrain the State or any one representing the State from enforcing the act of 1907 by any means in its power.

The decision of the Supreme Court of the United States in these cases will have a far-reaching effect upon the future relation of State and Federal courts. If the Supreme Court of the United States shall hold that any person or corporation who deems himself or itself aggrieved by an act of a State legislature, which infringes upon the Constitution of the United States, may apply to a United States Judge for an order restraining an enforcement of the obnoxious statute, it would seem to follow that the local affairs of the States, in respect to all these matters, would at once pass into the jurisdiction of United States Courts. Let us illustrate by the recent bucket-shop cases: These cases reached the Supreme Court of the United States by writ of error from the State courts, that is to say parties operating offices of this kind were indicted in the State Court. They were convicted, fined \$5.00 each, appealed to the State Supreme Court and by writ of error reached the Supreme Court of the United States, where Mr. Justice White delivered the opinion affirming the construction of the said statute placed upon the same by Chief Justice Walter Clark, of the North Carolina Supreme Court. Let us suppose that these parties had, in the first instance, applied to a United States Judge for a restraining order and had alleged that an

obnoxious statute had been passed violating the Fourteenth Amendment to the Constitution and had obtained a construction of the act from a United States Judge. This construction by such judge, when afterwards reviewed by the Supreme Court of the United States, would become a law of the State and thus the regulation of local affairs of the State would be removed from the jurisdiction of the State Court to the United States Courts. Such a condition would be unfortunate, especially in a State like North Carolina, where all officers, including judges, are elected by the people and where, in the olden days, Nathaniel Macon declared that most officers should be elected every year!

Let us take another illustration relating to the State control of the liquor traffic. In many counties in North Carolina by statute the finding of more than one quart of whiskey in one's possession raises a presumption that he is a dealer in whiskey. This act was tested through the North Carolina courts and it was held by our North Carolina Supreme Court to be constitutional. It is more than probable that if it had reached the Supreme Court of the United States, *res integra*, that court would have held it unconstitutional, because it deprives one of his liberty without due process of law.

Heretofore several cases have reached the Supreme Court of the United States involving the constitutionality of acts somewhat similar to the passenger rate act of 1907, but never before has so sharp a conflict between the State and the United States Courts been presented. Never before has a State indicted, tried and punished a person for doing an act, while an injunctive order of a United States Court attempted to give him leave to do that act, and never before was it contended that a State in its corporate capacity could be restrained from enforcing its criminal statutes. The State of North Carolina contends that, protected by the Eleventh Amendment to the Constitution, it cannot be sued in a United States Court except by its consent; that it has never consented to be sued in this matter, and that the Eleventh Amendment must stand in its integrity.

The State of North Carolina also insists that it was not a party to the suit in Judge Pritchard's Court, either by name or in spirit; that the Circuit Court had no jurisdiction over it; that it is not within the spirit or the letter of the injunctive order. Or, on

the other hand, the State insists that if it, as a State, is intended to be embraced within the scope of the injunctive order, it is an attempt to enjoin a State from enforcing an affirmative statute, which may not be done; that it is a sovereign among sovereigns; that its criminal laws must be enforced. When Judge Long opened court in Raleigh in July, 1907, he found upon the statute book a law making it a misdemeanor for a railroad to sell a ticket at a rate exceeding $2\frac{1}{4}$ cents a mile. Judge Long doubtless thought that he was under the same sanction of his oath to cause the violators of this law to be brought to justice, as to enforce the other criminal statutes of the State. If he punished a man for stealing a loaf of bread why should he not also punish a railroad for knowingly and willfully violating a criminal statute of the State of North Carolina? Should the courts of North Carolina punish the weak and helpless and leave the strong and powerful to go unwhipt of justice? The trial judge thought not and so did Governor R. B. Glenn, who sustained him at all points.

An impression has gained currency that the people of North Carolina were in some sort of rebellion during the late summer against the authority of the United States. No one who knows our patriotic Governor and other State officials, and particularly no one who knows the people of North Carolina needs to be told that no such condition existed. If a United States marshal, armed with a proper mandate from a United States Judge, shall at any time demand a prisoner or other person, he will meet with no resistance in the State of North Carolina, but both Governor Glenn and Judge Long were of opinion that the dignity and majesty of this sovereign State, one of the original thirteen, required that one who willfully violated a State statute should be tried, and, if found guilty, be *punished in a State court*, and they, and other good citizens of the State, felt that the arm of the Eleventh Amendment to the Constitution of the United States had not been shortened, nor had the Old North State been shorn of her sovereignty.

Political and Social Conditions in the Philippines

BY MARINO H. DE JOYA*

The victory of the American arms at Manila Bay in 1898 enabled the government of the United States to obtain the possession of the Philippine Islands from Spain. Spain had been vanquished in the archipelago; she could not fight any longer; but the natives, who, for years, had been fighting the Spaniards for the same liberty that America enjoys, remained yet to be conquered. And the unfortunate struggle between the Americans and the Filipinos was the result. The contest was an unequal one: the United States was a rich and powerful nation, with a population ten times as great as that of the Philippines; the Filipinos were poor, and few and weak. But they could not submit to the foreigner without a protest. The war began and ended in their defeat, but the justice and the nobility of their cause will live forever.

As the war progressed the government of the Philippine Republic grew weaker and weaker. Many of the leaders were captured, while others surrendered. These men immediately saw the futility of any further resistance; and many of them, after a series of conferences with the American military officers in the Philippines, began to organize what they called "The Federal Party," the objects of which were: To bring about peace in the archipelago, to annex the Philippines to the United States, then to make a territory, and finally to make it a State and a member of the great American Union.

The leaders of this party have been able men, and their services to the American Government in bringing about peace in the Archipelago were invaluable. The most prominent among them is Dr. T. H. Pardo de Tavera, an able man, who received most of his education in Paris. Another prominent leader of the party is Mr. Sumulong, one of the most brilliant lawyers in the Philippines. They stand for peace and order, and oppose any revolutionary

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change in the existing system of government in the Philippines. Their fundamental doctrine is evolution; and their party itself has passed through a process of evolution, for many of their political brothers have begun to talk of independence, which they assert the Philippines should have when the Filipino people become not only politically but economically strong enough to maintain a government of their own, and if the United States should see fit to give it to them some time in the future. They do not believe, however, in making the Philippines a perpetually neutral nation. They think that such a course is impracticable.

Until recently the Federal party was the strongest and the best organized political organization in the Philippines; but the sentiment of the people has changed so much during the last few years that this party now counts but a small number of adherents. Nevertheless, it will always be remembered for the great part it took in making it possible for the government of the United States to establish a Civil Government in the Philippines in 1901.

By an Act of Congress in 1901, the Civil Government of the Philippines was established. It is a government strong enough to keep peace and order, and before whose laws all people are equal. Since its birth it has accomplished results, which may be truly called great. It has established efficient courts for the proper administration of justice. It has constructed roads and bridges, and other internal improvements. It has established an extensive public school system there, where the rich and the poor enjoy the same opportunities to learn whatever they can. From this statement it should not be understood, however, that school and education are new things in the Philippines; for the oldest university now under the American flag is in that country. It is the University of Santo Tomas (formerly a Royal and Pontifical University), founded during the first quarter of the seventeenth century, years before Harvard, the oldest American university, came into existence. It is a university in the true sense of the word, having the departments of Philosophy and the Arts, and the faculties of Theology, Law, and Medicine. And until the year 1898, it was at the head of the educational system in the Philippines.

All the expenses incurred by the government of the Philippine Islands are paid by the Filipino people. They are paid from the

treasury of the archipelago, not the treasury of the United States. The government of the United States has, of course, spent millions and millions of dollars in the Philippines since 1898, but its expenses have been incurred in maintaining its military and naval forces, and in building fortifications there. American teachers and employees under the Philippine Government are not paid by the government of the United States, but by the government of the archipelago. This is a fact, which has been greatly misunderstood by the American people, and any misunderstanding of that character should be removed.

Since the inauguration of the Civil Government of the Philippines, new political parties have arisen, the most important of which is the present Nationalist Party. The radicals of this party favor immediate independence, with perpetual neutrality guaranteed by all the great powers of the world, while the moderates, who also favor independence, but not an immediate one, demand a definite promise of independence only, and economy in the present government.

In the election of the members of the Philippine Assembly held last July, the Nationalist Party was victorious. The old Federalists, or the now so-called Progressives, were badly defeated in the election. And the Nationalists will therefore control a large majority in the Assembly.

In the Assembly most of the members elected are lawyers, journalists and doctors, educated not only in the Philippines, but also in Europe; and our country expects a great deal from them. And we hope and believe that they will try to do their best for our country and people first of all, and that they will not go to the Assembly for the purpose of subserving and furthering their selfish interests, if any exist. Moderation, sincerity and great patriotism are qualities not to be overlooked by them. And as our representatives in our efforts to show to the world what we can do in the art of self-government, they should certainly make use of what is best in them.

The members of the Philippine Assembly were elected by men who had to meet certain qualifications prescribed for them by law. First, they must be twenty-three years of age; second, they must know how to read, write and speak either the Spanish or the English language. If they do not know how to read, write

and speak either of them, they must be men owning real property of the value of \$250.00 or more, and if they do not own such property, they must pay an annual tax of \$15.00 at least.

It has been said that only about two per cent of the total Christian population of the Philippines—7,000,000 people—were qualified to vote under the laws prescribed for them. The number seems rather small indeed. But if the conditions and history of the Filipino people should be examined, even the most exacting critic would not pronounce the case entirely hopeless. It should be remembered that the 7,000,000 Christians in the Philippines are not all men. According to Gen. Sanger, the director of the census taken in the Philippines in 1903, about one-half of them are females. So, excluding the female population of the archipelago from our consideration, we have the number of voters raised to four per cent of the total male population there. But again, we have to take into consideration the fact that the male population of the Philippines are not all men over and above the age of twenty-three. I have not been able to get the exact number of the male population there who are twenty-three years old or older, but in a country like the Philippines, where families are large, it is only reasonable to suppose that many of the 3,500,000 male population it has are children and young men below twenty-three.

Another thing that should be remembered is the fact that thousands of our men, the flower of the country, perished in our Revolution of 1896 against Spain and in the unfortunate contest which took place between the Americans and the Filipino people. At the beginning of the year 1896 we had over 8,000,000 people; in 1903 a little less than 7,000,000. And it should not be forgotten that a great many of the men that met their death between 1896 and 1902 were men of education. In fact, a great many of them met their death at the hands of the Spaniards, simply because they were educated and ready to fight against abuses.

And we should again remember that, during the Spanish régime in the Philippines, education was limited to the rich and the influential; and the masses who had no means did not have the opportunity to educate themselves to such an extent that they might be able not only to read, but write and speak the Spanish language. To be sure, the masses of the Filipino people at present

can read, but the number of those who can write is small, and of those who can read, write and speak the Spanish language is still much smaller, for the reason that has just been stated.

And the conditions existing in the Philippines from 1896 to 1902 were not such as to encourage those who wanted to get an education. Everything was uncertain. No one knew how long he would live under such conditions; and a great many people did not know after they had gone to bed at night whether the next day would find them still alive. The education of those who might have been instructed during that period if peace had prevailed, was therefore neglected; but that was inevitable. Such is the verdict of history. War in every country has always been a drawback, a hindrance to the progress of civilization. No progress can be made when political conditions are unsettled and everything uncertain. Peace and not war is the companion of prosperity.

In regard to the English language, a few words will not perhaps be amiss. From 1901 up to the present time hundreds and hundreds of schools have been opened. But such schools could not help many of those above twenty-three to prepare themselves for the election that has just taken place, unless they were men of means. A great many of them had to work for their living, and had no time to devote to the study of a language entirely foreign to them and to their own. But in spite of all these unfavorable circumstances those who are able try to go to school at night and learn whatever they can within the short time they can spare. That the American schools in the Philippines have done a marvelous work for the children and the young men and women of our country, is a fact in which patriotic Americans and the whole Filipino people may take a just pride. About half a million of our children and young people attend them with unbounded enthusiasm. And within a few years, we may rest assured, the number of our voters will rapidly increase as our young men now preparing themselves for the duties and responsibilities of good citizenship attain their manhood.

The smallness of the number of those owning real property of the value of \$250.00 or more in the Philippines will not be surprising if the reason is understood. During the whole of the Spanish régime, for the most part, the best lands in the archi-

pelago were in the hands of the religious orders. Only a very small part was in the hands of the natives. It is true that the government of the Philippine Islands has purchased such lands from the friars, but the natives cannot so soon make themselves land-owners by purchasing small tracts from it, and move to these to make their homes. Many do not have the means. Those that are able to make purchases do not do so, fearing that the investment will not pay. It is true that the government sells the lands on credit, but the poor country people, who need them the most, are not quick in taking advantage of the opportunity given them to improve their conditions, or they do not know that such an opportunity exists; or perhaps they shrink from dealing with the government, fearing that it will take advantage of their weakness and ignorance, like the government to which they had been accustomed during the Spanish rule. This may seem rather queer, when the present government in the archipelago really means to do the greatest good possible to the people. But it is a well known fact that the masses of the people in any country do not and cannot easily and quickly adjust themselves to new political and social conditions. They have to accustom themselves to the new state of affairs little by little. And we sincerely hope that, as our people learn more and more the objects of the government under which they live, they will take advantage of all the opportunities given them to better their conditions and make themselves better and more useful citizens.

Going back to the discussion of the election just held in the Philippines, the result shows that a great change in public sentiment and opinion has taken place. The Nationalists, those favoring independence with perpetual neutrality guaranteed by all the great powers, have a large majority in the Philippine Assembly, and the radicals among them, or those demanding immediate independence, are in the ascendancy; while the United States Philippine Commission, the upper house of the Philippine Legislature, is controlled by the exponents of evolutionary principles—four Americans and three Filipinos. The lower house represents the prevailing sentiment of the Filipino people; the upper house the government of the United States and its policy for the time being. The two branches of the legislature are controlled, therefore, by men who stand for principles fundamentally

and radically different. What can be expected of such a legislature cannot be easily foretold; but we shall hope for the best and the happiest results, trusting to the sincerity, unselfishness, patriotism and the high sense of public duty possessed and entertained by the members of the two houses.

The ultimate policy of the government of the United States in regard to the Philippines is still somewhat indefinite and uncertain; but our people trust that the great American Republic will always remain true to the trust which the victories of her arms have imposed upon her in giving her the control over the destiny of 7,000,000 people with their homes and their fortunes. We hope that the attitude of the American people toward the Philippines will always be one of unselfishness, benevolence and sympathy clothed with justice and righteousness—and not one of selfishness and a great desire for material gain. Among the best sons of free America, it seems to us that the question is not whether the possession of the Philippines will pay; but rather whether the United States will do justice to the Filipino people. The one involves the element of materialism, and wherever it exists negation of liberty is present. Wherever it is present liberty is absent. The other contains the element of righteousness, the immutable basis of the best, the happiest and the closest relations not only among men but among the nations of the earth.

All thoughts of materialism, on the part of the American people and government, it seems to us, are inconsistent with the spirit and the letter of the instruction of President McKinley to the Taft Commission, when, in substance, he said that the government that should be established in the Philippine Islands should be one which would secure the greatest peace, happiness and prosperity to the people of those islands. To retain the Philippines indefinitely or forever for material reasons would mean to deprive the Filipinos of what is dearest and most precious to them—liberty—liberty to secure in peace for themselves the greatest happiness and prosperity in their own way.

What the people of the United States will finally do with the Philippines, we do not know; but as long as the present relations between the two countries exist, it is very desirable that a close understanding between Americans and Filipinos should also exist. So long as they do not understand one another, the happiest

relations will not find place among them. So long as, to the Filipinos, many of the Americans in the Philippines are nothing more than adventurers, and the Filipinos everything but good to the Americans, the two peoples can never live happily together. It is, therefore, necessary that each one of them should learn more and more of the other, and forget once for all the animosities that were unfortunately produced by their war. If these Americans, that we have in mind, can be persuaded to treat the Filipinos decently, and be taught that the Filipinos have not only duties to perform, but also rights to enjoy, the interests of both will be better furthered and subserved. And it is very praiseworthy on the part of those in authority in the Philippines to aim at these most desirable results; but, unfortunately, no matter how high the principles of representative Americans there may be, the practices of many of their fellow-countrymen are not up to the standard required by common decency. When they are weak and needy, "they beg and cheat" (to quote the words used by the Commission not long ago), or perhaps live on the earnings of the poor native women who have become their friends, and who remain true to them in all their trials and adversities. And when they have become vagabonds, and so declared by law, they are sent to their native land at the expense of the Filipino people. On the other hand, when they are strong and prosperous, they think themselves above all and everything, so far as their treatment of the Filipinos is concerned. These practices are certainly not among those which, in the ordinary course of things, would or might inspire admiration, friendly feeling and enthusiasm in the Filipino people or any other people for their authors. But the government of the Philippines is not responsible for the existence there of those Americans, whose presence does more harm than good to the good intentions of the patriotic citizens of the United States and the cause of the Filipino people. It is only responsible for the stay there of those it has brought over from this country to help the Filipinos in all their efforts to improve their present conditions—political and social—; and for the best interests of the United States and the Philippines it behooves all those concerned that only patriotic Americans should be sent to the archipelago to occupy government positions. To do so under the present relations between the two countries is to do nothing

more than justice to our people. In running the government we pay all the expenses that it incurs; and it is only just that our money should be paid to those who have sympathy with us and all our efforts to obtain the best and the most of which we are capable.

Perhaps a few words in regard to the commercial relations between the United States and the Philippines may be permitted. If the Senate of the United States really wants to do its part in strengthening the bonds now binding the Filipino people to the United States, it cannot do better than to favor the reduction of the Dingley tariff on Filipino tobacco and sugar imported into the United States, as recommended by President Roosevelt and Secretary Taft, and approved by the House of Representatives last year. The possibility of competition between American products and sugar and tobacco from the Philippines is a mere shadow. The smallness of the quantity of these products imported from the Philippines into this country is the best argument against the possibility of any competition. That it may increase if encouraged is beyond doubt; but even then, it is hard to believe that it will increase so rapidly as to be able to compete successfully with American products of the same kind in the near future. The American sugar and tobacco industries have been long established; those of the Philippines are still in the process of coming into existence supported by capital comparatively insignificant. Under the present tariff regulations sugar and tobacco can be sent to the United States from the Philippines only at a very small profit, if not at a loss; and for that reason Philippine agriculture is in a hopeless condition. If our mother country cannot treat us generously, what people or nation can we expect to give us better treatment? On the other hand, if the Dingley Tariff should only be reduced to 25 per cent, Philippine agriculture would be encouraged and developed; the people would buy more of American agricultural implements; they would become more prosperous and happy, not at the expense, but with the help of the American people; and the bonds uniting the two countries would become stronger than ever. And the time will surely come when the Filipinos will always remember the Americans with gratitude as their true benefactors.

Some Recent Studies of Shakspeare

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Modern books having to do with Shakspeare may be divided broadly into three classes: First, investigations into problems connected with the poet's life and works, undertaken by the specialist, and addressed as a rule to a comparatively small group of scholars; second, books written for a larger body of readers which aim to popularize the work of the specialist, and to appraise its value; third, interpretations of Shakspeare's plays and poems, or of particular parts thereof.

Each succeeding year marks a large output of material belonging to the first named class. This includes university dissertations of grammatical, historical, and literary nature; numerous papers read before learned societies or contributed to philological magazines, and separate volumes published by first-hand investigators. Mr. Sidney Lee's "Life of Shakspeare," though intended for general reading, is nevertheless a definite contribution to the world's knowledge, especially in its treatment of the Elizabethan sonnet, and deserves a place here. But most biographies of the poet would fall into the second class.

By the scholar works of this second class are easily undervalued. While it is true that they do not contain information concerning the dramatist gleaned afresh from contemporary documents, or from the reading of scores of forgotten volumes; yet they are usually marked by a soberness unknown to the enthusiastic investigator, and they are the only means of spreading abroad correct knowledge of the subject. One hesitates to place here the most valuable American contribution to Shaksperian literature—the "Variorum Edition" of the plays and poems by Dr. H. H. Furness, now being completed with the assistance of Mr. H. H. Furness, Jr., yet it is here that these volumes belong. They present not new information about the drama and their author, or startlingly novel interpretation of his lines, but a compilation of work that has already been done by various critics. Occasionally the editor sums up the issues and passes judgment upon some

controverted point, but the reader is left to form his own verdict on the questions involved in the case.

The third class of studies is the most numerous of all. Shakspeare's knowledge of human nature was so profound, his breadth of human sympathy so extensive, that each new age, and practically each new critic, has found in his lines some meaning never discovered before—perhaps, never again. Among books issued in the present decade Professor Bradley's "Shaksperian Tragedy" immediately won its right to be denominated a great interpretation of Shakspeare's work. Yet it is to be doubted whether many of the interpretations printed annually have genuine literary value. One feels that the weakness of the criticism is often due to the critic's failure to realize the conditions under which Shakspeare lived and wrote. Sometimes, as with hundreds of observations on "Hamlet," it is due either to insufficient command of English or to lack of common sense.

The results of a technical investigation of more than passing interest are set forth in a short article recently contributed to *Modern Philology*.* In this article Dr. Fuller calls attention to a Dutch play which seems to throw new light on the composition of "Romeo and Juliette." It has long been thought that Shakspeare based his dramatic version of the popular story partly on a prose translation in Paynter's "Palace of Pleasure" of Boisteau's French rendering, but chiefly on an English poem by Arthur Brooks, "Romeus and Juliet," published in 1562. Brooke states in the introduction to his poem that he "saw the same argument lately set forth upon the stage;" but the play referred to is not now extant, and whether or not it was known to Shakspeare has been a matter of conjecture. The Dutch drama, "Romeo en Juliette," examined by Dr. Fuller, is the work of the playwright, Jacob Struijs, and was published almost twenty years after the death of Shakspeare. The existence of this play was no secret to Shaksperian students, but it has heretofore been tacitly assumed to have been based on Shakspeare's tragedy. Dr. Fuller's theory, on the other hand, is that Struijs simply turned into his language, almost without change, the older English play mentioned by Brooke some thirty years before Shakspeare's version was made.

**Romeo en Juliette*. By Harold De Wolf Fuller. *Modern Philology*, iv., 1, July, 1907. Chicago: University of Chicago Press.

In dealing with such a case one cannot expect evidence amounting to a demonstration, but Mr. Fuller's reasoning is cogent. Struijs seems to have been in the habit of making practically literal translations of English plays; and if he had Shakspeare's work before him, it is difficult to understand why he made certain changes in the plot which Mr. Fuller points out. Moreover, the relations between the two countries at this period would lend opportunity for the English play which Brooke saw acted by 1562, to pass over the channel, fall into the hands of a Dutch playwright, and be translated along with certain other forgotten dramas now found in the libraries of the Netherlands.

Excerpts from the Dutch play translated back into English and compared with the text of Shakspeare, make the argument more convincing to those familiar with Shakspeare's usual method of dealing with his material. If we accept this theory, we find in the older play a mere hint here, a suggestion there, which Brooke and Paynter passed over in their versions, but which Shakspeare caught and developed into a striking scene. In reading the known sources of Shakspeare's plays we are most impressed by the artist's keen eye for dramatic possibilities—his power of visualizing a scene or a character scarcely mentioned in the original. This trait is continually exemplified in passing from the Dutch play to that of Shakspeare.

Whether Dr. Fuller's theory will meet with universal acceptance it is yet too early to say. Certainly it is desirable that the "Romeo en Juliette" be made over into English in its entirety like other reputed sources of Shaksperian plays. But from the evidence presented one feels safe in assigning the study a place alongside the same writer's investigation of the "Titus Andronicus" problem.* In each case the work has gone far to illuminate one of the dark corners of Shaksperian lore.

Accepting this solution of the question we must believe not only that the play under examination was produced on the English stage several years before Shakspeare's birth, but that it was used together with Brooke's poem and Paynter's prose story as the source of the "Romeo and Juliet" that we see acted today. This would give us another instance of Shakspeare's use of several

*The Sources of Titus Andronicus. Publications of the Modern Language Association of America. Vol. xvi, No. 1, pp. 1-65. Boston, 1901.

sources for a single play, and again of his basing his play primarily on a previous dramatic treatment of the same theme. Neither discovery need surprise us. Modern investigation is tending to convince us more and more strongly that Shakspeare's method of workmanship was consistent with this practice. Dr. Perrett's recent suggestive study of the Lear story* shows that Shakspeare in writing his great tragedy on that subject consulted Holinshed's, Spenser's, and probably Geoffrey of Monmouth's account of the legendary king, but that he was chiefly indebted to the anonymous play of "King Leir" written about 1594. That is to say, Shakspeare acted just as a modern playwright would do. Believing that the most serviceable form of his material would be one in which it had already been adapted to stage purposes, he first turned to that quarter. Searching further he would garner in every field that lay at hand.

To trace the growth of Shakspeare's craftsmanship in the making of these plays is the task that Professor Baker sets himself.† For accomplishing this purpose Mr. Baker has unusual qualifications. An alert and mature scholar, whose interest has long been centered in the Elizabethan and Jacobean drama, he possesses at the same time a thorough knowledge of modern stage conditions in England and in America. Associated with Professor Barrett Wendell, to whom this book is dedicated, and whose influence tells strongly on its pages, he has been the leading force in certain notable dramatic revivals that have taken place in recent years at Harvard University. In his students he has kindled a new interest in the drama of the past and that of the present day.

Naturally his approach to Shakspeare is not so much that of the æsthetic reader of poetry, but rather of one who is interested in all that goes to make a play that can be acted effectively. He concerns himself first with theatrical conditions in London in 1590, about which time Shakspeare began to write; with the people who attended the theatre, and their motives for attendance; the work of contemporary dramatists and its value; the situation and construction of the playhouses and especially of the stage. Mr. Baker

*The Story of King Lear from Geoffrey of Monmouth to Shakspeare. By Wilfred Perrett, Palestra, Bd. 3^c. Berlin, 1904.

†The Development of Shakspeare as a Dramatist. By George Pierce Baker. New York: The Macmillan Company, 1907,—329 pp.

insists, despite prevailing opinion to the contrary, that conditions for the production of drama were then almost ideal. A small body of citizens, whose tastes and desires the Elizabethan dramatist knew well, came to the theatre for information as well as amusement, and demanded first of all a good story, whether it was new or old. During Shakspeare's apprenticeship older playwrights like Marlowe and Greene had been quick to see their opportunity and composed plays which are well plotted, have some deft characterization and a touch of what is vaguely termed "atmosphere," and which are no more formless than are Shakspeare's earliest efforts. These plays were presented by carefully trained actors on a stage that was not nearly so crude as is popularly believed, and before an audience that was close enough to the player to be responsive to his every motion. To such an inheritance was Shakspeare born.

His peculiar endowments at the outset, Mr. Baker declares, were literary and poetic rather than dramatic. He had to acquire through practice, although he acquired it rapidly, the power of expounding dramatic narrative, and of creating lifelike characters. His earliest comedy, "Love's Labour's Lost," is neither orderly nor proportionate in plotting, and utterly inadequate in characterization, depending chiefly on puns and quibbles in the dialogue, and strained, unreal situations for its success. Yet in the "Titus Andronicus," dated two or three years later, we have a play, which however horrible and repellent to modern conception in its theme, "grips the attention from start to finish." But this is nothing more or less than melodrama. After experimenting for a time with the Chronicle History, where reality plays a stronger part, Shakspeare attains full mastery of the art of plotting in three plays—"A Midsummer Night's Dream," "Romeo and Juliet," and "The Merchant of Venice." He then turns to High Comedy, a more difficult dramatic form hitherto unknown on the English stage. Attaining perfect mastery in that field he tries the most difficult form of all drama and composes his great Tragedies. Then comes the closing period of his career, when he writes what are sometimes termed the Romances, "Coriolanus," "Cymbeline," "The Winter's Tale," and "The Tempest." The production of this last type, Mr. Baker believes, was due to a sudden revulsion in public taste, which demanded

comedy instead of tragedy. Shakspeare, though unsympathetic with this demand, attempted to comply with it, and then retired to Stratford-on-Avon.

Such, briefly summarized, is Prof. Baker's account of the growth of Shakspeare in dramatic technique. It is evident that the first portion of the book, in particular the chapter treating of "The Stage of Shakspeare," has held the writer's chief interest. All the illustrations are pictures and maps of London in the sixteenth or early seventeenth century, of contemporary theatres, or else of modern attempts to reproduce the Elizabethan stage. Many of these cuts are new and valuable. In the appendix are given copies of the contracts for building two of the Elizabethan theatres. The whole subject is of the first importance to every intelligent reader of Shakspeare, and yet one would search far to find a similar presentation of it. While Professor Baker is qualified to speak with authority, yet his treatment is singularly clear and free from pedantry. Moreover he has the gift, lacking in so many learned writers, of recognizing a definite distinction between matters that have been established beyond cavil, and those still under dispute. Probably the chief effect of the work will be to set right readers who have been misinformed as to the manner in which Shakspeare's plays were originally presented.

The chapters dealing directly with Shakspeare's development in playwriting present a fresh and invigorating discussion of problems which will stimulate further inquiry. In Mr. Baker's opinion the dramatist was writing plays not to be read by future generations of readers, but to be acted before "a very immediate public." Like his contemporaries, he was quick to discern and respond to any change in popular taste and moulded his work to suit the demands of the moment. This accounts in some measure for his moving from the composition of histories to comedies, of comedies to tragedies, and back again to comedies. At the same time he possessed in distinction from most of his contemporaries a strong artistic conscience which exacted from him better work than was necessary to satisfy his audience. Coupled with these qualities he had by nature large poetic endowments, a broad sympathy with mankind, and an intellectual curiosity leading him to study men of all types about him. But his dramatic technique came as a matter of growth.

It is easy to find objections to such a theory. One feels at times that Professor Baker is too ready to group together plays having certain common characteristics, to emphasize the nature of the type, and to make the date of original composition of some one of them, or of its rewriting, fall in with his general plan. More strongly is one disposed to resent the inadequate treatment of all the dramas dating from about 1600 on, the swiftness with the great tragedies are passed over, and the mere mention of a few details connected with the softened, mellowed comedies of the later years. A still further and more serious ground of dissent is involved in the very nature of Mr. Baker's theme. Shakspeare was not only a great master of dramatic technique, but also a great poet, and a creator of world-enduring literature. Yet with the stress laid always on his acquirement of theatrical skill one is apt to overlook his mastery to other branches of art. To this fact is doubtless due Mr. Baker's steady decline of interest in discussing "Hamlet," "Lear," and "The Tempest," after pointing out the "perfection of accomplishment" which lies in the composition of "Twelfth Night," and "Much Ado About Nothing."

But, after all, these criticisms concern matters that are not vital. In modern times there is no lack of appreciation of Shakspeare's literary or poetic artistry in any of the great plays. There needs no ghost come from the grave to explain this to us. What most Shaksperian students nowadays want is a proper perspective—a knowledge of what was accomplished by English dramatists before Shakspeare, and of the exact conditions under which his plays were produced, the peculiar problems which he had to face in writing them. Even in reading such a notably great work as Bradley's "Shaksperian Tragedy" one is struck by the rarity of reference to the productions of contemporary dramatists. Studying these, carefully examining the sources of Shakspeare's plays along with the plays themselves, one comes to a far juster estimate of what we owe to him in the drama and in English literature. One begins to realize that while he may have been born a poet, he was not born a writer of plays. His increasing skill in this respect may be definitely traced up to the period of his maturity. By this process of reasoning we cannot explain away the wonder of his genius, but we can come probably as near as we ever shall come to understanding Shakspeare the man. For

he was a human being, much as some have tried to persuade us otherwise.

This last belief is shared by Professor Walter Raleigh,* who has just assumed the chair of English Literature in the University of Oxford. Professor Raleigh thinks that the difficulty of this age in appreciating Shakspeare is that we regard his work with superstition and honor his memory on the other side of idolatry. Consequently we are willing to accept any excellence in his dramas as genuine, but are almost as ready to reject any other portion not consonant with our conceptions of the artistic, and attribute that part to the hand of a collaborator. Mr. Raleigh pleads for a saner and more rational judgment of the master's work. He finds in him a whole man; a man who had known and could sympathize with all phases of life, one who in theology was at once a seer and a skeptic. Plays like his are not written in cold blood; they are bound to reflect in some degree his sentiments and opinions. Believing thus Professor Raleigh endeavors to discover the mind of Shakspeare at work in his plays.

The result can scarcely be termed a biography. With a marked veneration for more or less discredited traditions connected with the bard's name, Mr. Raleigh touches lightly upon all the known events of his career, preferring rather to dwell on the man's character as it is revealed in his works. He tells us, "Children, we feel sure, did not stop their talk when he came near them, but continued in the happy assurance that it was only Master Shak'spere."† Again we are informed‡ that John Shakspeare, the poet's father, seems to have been fervent but unsteady in business; that in speech he may have been sententious and dogmatic, and that perhaps some memory of him may be preserved in the character of Polonius. Such speculations as these, fortunately infrequent, lead to unfirm standing ground.

Later chapters of the volume do little to increase admiration for the author's grasp of his subject. No one will dispute his right to view constantly Shakspeare as a poet in much the same manner as Professor Baker emphasizes Shakspeare the playwright. It may

*Shakspeare. *English Men of Letters*. By Walter Raleigh. New York: The Macmillan Company, 1907,—233 pp.

†Page 14.

‡Page 31.

be surmised, however, that Shakspeare himself took the second occupation much more seriously than the first. But the special chapter on "The Theatre" shows a painful lack of the breadth of vision and the fullness of detailed information needed to make clear the actual state of things theatrical during the reign of Elizabeth. At a time when Lyly, Greene, and Peele were rapidly producing comedies, which, however crude and unreal in setting, contain much genuine poetry, we are told that comedy "remained in the hands of the professional jesters."* Indeed though there are many marks of acquaintance with Greene's novels, apparently there is no single reference to his "Friar Bacon," or his "James IV.," two plays which certainly paved the way for Shakspeare's late comedies. Similarly the correct statement is made more than once that Shakspeare used "Holinshed's Chronicle" in writing the tragedy of "King Lear," but the more important source, the anonymous play, is not even mentioned. Moreover, in treating of Shakspeare's individual peculiarities of syntax, Mr. Raleigh lists several words as verbs† which are not properly called verbs at all, but are adjectives formed according to a well established Elizabethan idiom. In such matters the book tends rather to darken counsel than to illuminate.

It can hardly be said to reach the high standard of several other volumes of that series. The want of definiteness as to fact and as to criticism will probably prevent the work from taking its place among the comparatively few Shaksperian studies that endure. Its real value lies, first, in the sober, candid denial of certain ecstatic eulogies that have been pronounced on some of the poet's work; and, second, in the warm-hearted appreciation of passages too little known to the average reader. Full justice is done to the perfect purity and simplicity of Desdemona's nature. Keenly discriminative are the observations on the "Measure for Measure." Indeed, wherever Professor Raleigh is concerned merely with the text of Shakspeare, his criticisms are marked by catholic taste and fine literary judgment. In several passages, notably in the paragraph which closes the work, his own style attains rare eloquence.

*Page 106.

†Page 219, "woman'd;" page 220, "chllded," "father'd." Cf. Abbott, *Shaksperian Grammar*, 294, where the formation is explained, though the words in question are unfortunately called participles.

If then Dr. Fuller's article is to be placed among the first class of Shaksperian studies mentioned at the beginning of this paper, and Professor Baker's book belongs to the second, this volume of Professor Raleigh would fall into the third class. For it is chiefly an interpretation of the poet's work, combined with an interpretation of the poet himself based on his work.

It is somewhat significant that two of the studies under review—the two which seem to contain most material of permanent value to the Shaksperian student—should have been produced during the past twelve months by Americans, each one a teacher of literature in an American university. Nor will it escape notice that another work on Shakspeare,* recently reviewed in these columns, was brought out during the year by a third American scholar. Professor Neilson's edition of Shakspeare, generally recognized as the best one-volume edition, marks a distinct advance in American scholarship. Except for its presentation of an independent text the work is clearly not contributive, in a certain limited sense of the word, to knowledge in its special field. But nowhere else have been stated so explicitly and so concisely the conclusions reached by scholars as to Shakspeare's life and work,—the sources and date of each play and its textual history. It is worth a man's while to inform the average reader of these things, even though to a few gifted mortals they be as twice-told tales. This book, taken with the two already mentioned, goes to show that our universities at least are doing what in them lies to make good our oft-vaunted claim to a common heritage with England in the work of the great dramatist and poet.

*Shakspeare's Complete Works. By William Allan Neilson. Reviewed by Dr. W. F. Few in *South Atlantic Quarterly*, vi., 220. April, 1907.

France in North Africa

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I. THE BEGINNINGS.

The expansion of European nations beyond the confines of their own continent, the struggle for maritime and colonial power, is one of the most important and distinctive characteristics of the Modern Age as contrasted with the Middle Ages.

The Modern Age opens with the creation of Spain's vast empire in the western world, following Columbus's lucky discovery; and with Portugal's splendid domination in the eastern seas, crowning four score years of scientific exploring enterprise. At the close of the first modern century, Spain had seized Portugal and become, for the moment, the nominal mistress of the whole extra-European world. Spain's jealous guardianship of her exclusive dominion of both the eastern and western seas and lands drove the English, Dutch and French, as piratical interlopers, to challenge Spain to defend her monopoly of trade and empire over seas. The second century of Modern History, the Seventeenth, ended with the demoralization of Spain and the elimination of the Dutch as active competitors for the prize of empire. The Eighteenth Century witnessed the titanic struggle of England and France for naval and colonial supremacy. Louis XV., the most disgraceful of the Bourbons, ruined France. The treaty of Paris in 1763 left England the mistress of the seas and in complete control of the vast empires in North America and India. Vain efforts, especially by Napoleon, were made to rehabilitate France as a colonial power. The revolutionary spirit of France infected Central and South America and wars of independence stripped Spain of all but a few outposts of her quondam world-empire. Thus after a little more than three centuries, England stood, in 1825, the sole successful colonizing power.

The English, sated with imperialism, were the envy of the other great nations of Europe. If they could not hope to contest successfully with the English for their hard-won possessions, it was still possible for them to imitate their methods and emulate their

triumphs in lands yet unclaimed by European. So Russia in Central Asia and France in North Africa began the work of empire-building. With imperial and not unequal stride England, France and Russia advanced to the conquest and development of lands before but dimly known. Their vast achievements, notably in Asia and Africa, and Germany's late but valiant efforts adorn the record of the fourth and latest century of the Modern Age, the Colonizing Age. The wars with the Transvaal and Japan have recently directed attention to the work of England and Russia. Now the Algeciras Conference and the Moroccan problem are compelling the world to study the French enterprises in North Africa.

The Bourbons had fritted away France's opportunities for building enduring empires in India and North America. The last act of Bourbon rule in France, as if in atonement, was the first step in the creation of the French dominion in North Africa. The same month that witnessed the capture of Algiers saw the flight of the last Bourbon king from France. Charles X., the characteristic representative of his race, never having learned a single lesson from the Revolution, was the unfittest of men to govern the children of the Revolution. He shrewdly endeavored to cloak his miserable absolutism at home by a splendid imperialism abroad. The Greek War for Independence and the brilliant exploits of Mehemet Ali afforded excellent but insufficient opportunities. So the sparks of the age-old troubles with the dey of Algiers were carefully fanned to a flame, and then the Bourbon cohorts went valiantly forth to quench the fire and extinguish the dey.

The dey of Algiers was the unworthy lord of the territory which two thousand years ago was Jugurtha's kingdom of Numidia. For more than these two milleniums the Berber population of the land has lived on unchanged, tilling the soil and famous for its horses. Yet like the quiet Hindu, the Berber has bowed to many conquerors. Only in religion has the Berber, like the Hindu, learned aught from his conquerors; but the Berber has been the more apt disciple, for the natives of Algeria are all Muhammadans, while only one-fifth of the population of India have become followers of the Prophet of Mecca. Phenecian and Greek traders seem to have been the first civilized peoples to visit the North African shores. Carthage was long the most famous Phenecian

colony and the controlling force on the southern shore of the Mediterranean. Then came the Roman conqueror and made the Mediterranean a Roman lake. The Numidians proved faithful subjects and the Berber farmer toiled in his fields that Africa might be the granary of Rome. There was a fitness in this mighty Roman empire encircling the Mediterranean, for the ethnologists now say that the Berbers are racially akin to the peoples of the southern European coasts. Certain it is that the lands to the north of the Sahara and the peoples inhabiting them have never had relations with the peoples beyond the desert, while their interests have always been closely interwoven with those of the peoples on the opposite shore of the great inland sea. Thus it is not so strange that, when the Germanic barbarians were breaking through the barriers of the empire into the troll-garden, as Kingsley has fitly called it, they not only overran Gaul and Italy and Spain, but that they also crossed over to Africa and under Gaiseric established a Vandal kingdom at Carthage. In that earliest Renaissance, the reign of Justinian, the Byzantine forces under Belisarius destroyed the Arian Vandals and restored Catholic culture, though of the Greek rather than the Roman type.

In the middle of the Seventh Century, less than a generation after the death of the Prophet, the first great wave of Muhammadan conquest swept across North Africa clear to the shores of the Atlantic. A thousand years later, after many vicissitudes of Moslem rule, the North African states had fallen into the hands of certain sturdy pirates, nominal subjects of the Grand Turk. These famous seafarers, of whom the most notable were the two Barbarossas, made the ports of the North African coast their headquarters for preying upon the commerce of the Mediterranean and even of the Atlantic, while they exercised over the tribes of the interior a vague control through beys and lesser officials. In spite of the famous efforts of Charles V. and the less known attempts of his successors, the Barbary corsairs continued to control the southern coast of the Mediterranean and to prey upon the commerce of all Christian states, scarcely excepting those nations which paid regular tribute to escape their attentions.

Such in brief was the history of North Africa down to the beginning of the Nineteenth Century. Then, it was not Napoleon, the

great European conqueror, who first humbled the Barbary pirates and their chieftains, but a new power, recently born on the western shores of the Atlantic, which sent its little navy to get its first practice in teaching the pirates that a free people will not pay tribute. The expeditions sent to Tripoli by Jefferson and the Algerine expedition under Decatur sent out by Madison at the close of the War of 1812 were the first serious blows at the power of these Barbary States. Great Britain followed the example in sending Lord Exmouth's fleet to Algiers in 1815. The glory of the famous pirates had departed and only their complete extinction remained to accomplish. With such nations pretexts were never wanting for a war, but the final struggle was actually precipitated by a heated argument between the dey of Algiers and the French consul. As the argument waxed hot, words ceased to suffice and blows followed. Whether this was unintentional or deliberate matters not, it suited the chauvinistic purposes of Charles X., and forthwith General Bourmont with 30,000 men and 116 guns was landed on the Algerine coast.

The French commanders in Algeria from Bourmont to Bugeaud, along with many of their more important subordinates, had been trained in the wars of the Revolution and under Napoleon. The junior officers were, however, the men of the coming generation and included many of the most important officers in the Crimean War and in the Franco-Prussian War. Algeria became a training ground for the young French officer as India was for the English subaltern. Though not remarkable for any great achievements Bourmont's career had been full of romantic military adventure to a degree that was exceptional even in that age of war. Born of a noble family he entered the army as a boy and on the outbreak of the Revolution joined the *émigré* army of the Prince of Condé at Coblenz. Later he was a leader in the revolts of the Vendéans and Chouans, and though offered a commission by Bonaparte, declined it and took refuge in Portugal. He joined Junot when he invaded Portugal and from that time served under Napoleon. He took part in the campaign in Russia, was taken prisoner, escaped, and participated in the last campaigns of Napoleon, and in the closing days of the Empire was commissioned lieutenant-general. His erratic behavior during the Hun-

ded Days culminated in his desertion of Napoleon three days before Waterloo. He served in the campaign in Spain in 1823 and in 1829 became minister of war, and so was able to secure for himself the command of the Algerian expedition. He was rewarded with the baton of marshal of France less than a week before the fall of Charles X. Refusing to recognize Louis Philippe he aided the wild venture of the Duchess of Berry in the Vendée in 1832 and then fought for Dom Miguel in Portugal. He finally returned to France in 1840 and died on the ancestral estate in 1846, in his seventy-fourth year. Such was the varied career of the conqueror of Algiers, the Comte de Bourmont, marshal of France.

In his double position of minister of war and commander-in-chief, Bourmont was able to equip his expedition with the utmost care and the fullest attention to its completeness. The size of the expedition, and the care devoted to its personnel and equipment, accounted in no small measure for the prompt and complete success of the campaign. The army was landed on the coast nine miles from Algiers without any opposition on June 14, 1830. On the 19th and 24th there were fights with the Algerines, and on the 29th, the siege train having been landed, the advance was begun and on July 4, the trenches having been completed, the city was bombarded and later entered by the French troops. On the next morning, the fifth, the dey formally capitulated, Turkish rule at Algiers was at an end, and Algerine piracy had been exterminated.

Whatever the designs of Charles X. and the Comte de Bourmont may have been in undertaking the Algerian expedition, Bourmont certainly intended that his tenure of the city of Algiers should be an effective one, for he at once set about the occupation of the surrounding country including the important neighboring city of Blida. Perhaps if Charles X. had remained on the throne and Bourmont in command in Algeria, a consistent plan would have been carried through, the military conquest pushed with vigor, and the Turkish suzerainty promptly and effectively replaced by a French suzerainty. In short, a strong foreign policy would probably have been pursued by the Bourbon monarch, for it was only by the success of such a policy that he could hope to maintain his position on the throne.

Whether or not such a policy would have been attempted or have succeeded under Bourbon auspices, it is certain that the July Revolution of 1830 and the establishment of the Orleans Monarchy prevented the adoption and the prosecution of any consistent policy in Algeria. Ten futile years elapsed in which the leaderless Algerians found a magnificent captain in Abd-el-Kader, and what might have been accomplished with ease became a seven years task for the Soult-Guizot ministry and General Bugeaud.

The unsettled political situation in France and the frequent changes of ministry, following the Revolution of July, 1830, are reflected in the uncertainty of French policy toward Algeria. Some would withdraw entirely from Algeria or at most only maintain defensive possession of Algiers and possibly a few other ports; some would occupy all the important points on the coast and in the immediate hinterland with effective forces and abundant fortifications, and, while remaining on the defensive, be prepared to take the offensive if necessary and make raids into the adjoining country; others would effect the complete subjugation of the whole country formerly tributary to the dey of Algiers. Again there were differences of opinion concerning the temporary or permanent occupation of part or all of the country. Further, men disputed concerning the system of administration that should be established in the new dependency. Obviously no successful operations could be carried out until the French government should adopt some definite and consistent policy.

France, however, did not have a free hand. The wishes of the other powers of Europe must be consulted and respected. Since the Congress of Vienna, Europe was dominated by Metternich, the Austrian chancellor, who sought to settle all European problems by means of congresses of the powers. Metternich's methods were based upon the theories of absolutism. The Revolution of 1830 was directly opposed to these theories, and the bourgeois monarchy of Louis Philippe was regarded as the result and embodiment of the monstrous ideas of democracy, constitutionalism, and representative government. France was directly blamed for the revolutionary movements in other countries in 1830. For this reason Louis Philippe and his ministers had to step gingerly when dealing with any matter which might interest the other

powers. Problems of the most serious sort had to be dealt with in Greece, the Balkan territories, the Levant, Spain, Portugal and Belgium. In every one of these France had an interest and in some of them a vital interest. The Monarchy of July could hope for no friendly coöperation from Austria and the powers like Prussia which were subject to the influence of Metternich. This fact made it absolutely necessary for Louis Philippe to conciliate England, the only liberal power of the first rank. In all the congresses and other diplomatic exchanges, the king and his ministers tried to respect the susceptibilities of Metternich and to carry out a strong French, or rather Orleanist policy, but when the final test came the action of France was determined by the attitude of Great Britain. So it was that Louis Philippe had repeatedly to disclaim any intentions concerning Algeria that might in any way seem distasteful to the other powers, especially to England. The decade from 1830 to 1840, then, was one of unsettled policy on the part of the French government towards Algeria; one of weakness, some disasters and few successes in military operations in Algeria; and one of chaos in civil affairs in the territories actually occupied in that country. France had overthrown the Turkish rule in Algeria, but, owing to the unstable conditions at home and the exigencies of diplomacy, she could not replace it by any settled administration under her control. Failure to replace promptly the Turkish rule certainly prolonged the era of conquest.

Clausel, who succeeded Bourmont in the Algerian command, is by far the most important of the group of generals who conducted the campaigns in the decade following the capture of Algiers. He was the nephew of a member of the Convention and served throughout the wars of the Revolution and under Napoleon. His most important experiences were in Spain, where his behavior at Salamanca won him deserved renown. His selection for the Algerian command was seemingly an excellent one from both political and military considerations.

Clausel's plan for dealing with Algeria reflects English methods in India. He proposed to enlist native troops for service under French officers and so formed the first zouave regiment. This idea proved a failure; in the course of time the natives were gradually replaced and the zouave regiments came to be com-

posed exclusively of Europeans. In the second place Clausel planned to replace the beys who had administered the different provinces subject to the dey, by new appointees loyal to the French cause. He at once deposed the bey of Titteri, who ruled the hinterland of Algiers, and marched to Medea to place his nominee in charge with a French garrison to support him. This expedition in November, 1830, involved some severe fighting, especially in the storming of the col or pass of Mouzaïa, where MacMahon, the future marshal of France and president of the Republic, distinguished himself. Clausel was compelled to abandon Blida, but maintained a garrison at Medea for a few weeks. The two most important towns near the coast, besides Algiers, were Constantine to the eastward and Oran to the westward. With the assistance of Ferdinand de Lesseps, who was then the French consul at Tunis, Clausel negotiated an agreement with the bey of Tunis by which a member of the Tunisian family should be appointed bey of Constantine in place of the hostile Turkish incumbent. In like manner it was arranged to make another Tunisian prince bey of Oran. The former bey had professed friendship to France, but Moroccan intrigues made necessary a ruler of undoubted loyalty, with a guard of French troops. General Danrémont was sent to garrison Oran and manage the situation. In all these schemes Clausel had greatly exceeded his powers, and his arrangements were at once disavowed by the government in Paris, which was then in difficulties with problems nearer home and dared not face any complications in Algeria, or even to avow any policy concerning it. Furthermore, the situation demanded the presence of the French army in Europe. Clausel was permitted to throw up his command and return to France, and most of the troops were recalled, only a garrison under General Berthezène being left in Algiers, and the small force of General Danrémont at Oran. Thus at the end of the year 1830, the only permanent gain, in addition to the capture of Algiers, had been the occupation of Oran.

Berthezène had been a subaltern during the Revolution, and by his splendid soldierly qualities had won rapid promotion from Napoleon. After fifteen years of inactivity he was given command of a division in Bourmont's expedition to Algiers. The brilliant quality of his services caused the Orleanists to credit him with much of Bourmont's success. Though a brave and dashing sol-

dier, he was unfitted for the chief command. The Arabs taking advantage of the inactivity of the small French army of occupation began to show symptoms of revolt by petty annoyances to the garrison of Algiers. Berthezène found it necessary to take the field to head off the movement toward revolt. Several raids into the surrounding territory were made with some success. Then, in response to the call of the bey whom the French had installed at Medea, Berthezène undertook an expedition to that town. This brief and disastrous campaign showed the splendid qualities of the dashing soldier, but the lack of ability to plan carefully and take precautions which should characterize a commander-in-chief. Instead of crushing the disconted Arabs, Berthezène only stirred them into active revolt. Medea had to be abandoned and the French were reduced to holding a narrow ring of territory around Algiers and warding off Arab attacks. At Oran, Danrémont was succeeded by General Boyer, who had served under Napoleon in Egypt and later in Spain and more recently had been in the employ of Mehemet Ali. He had learned the value of the oriental policy of harshness, brutality and summary punishment in handling Arabs. Native discontent and Moroccan intrigues seemed a sufficient justification for the employment of this policy, by which he succeeded in overawing the population of Oran. The only other event of Berthezène's governorship was a series of occurrences which made Bona, a coast town near the Tunisian frontier, another center of French activity.

In December, 1831, Berthezène was replaced by another old soldier of the Revolution and the Empire, Savary, Duc de Rovigo, who had served Napoleon loyally in the field and as minister of police, and who has failed to acquit himself of blame for his part in the execution of the Duc d'Enghien. Savary was an appointee of Casimir Périer, who was at this time the prime minister of France. This great statesman and vigorous minister attempted to carry out a well defined policy concerning Algeria, though he had to face constant futile debates and pettifogging opposition in the assembly as well as the jealousy of the powers. The Duc de Rovigo was accompanied by Baron de Pichon, who thirty years before had been the French diplomatic representative in the United States, as civil intendant responsible directly to the prime minister; while the duke as commander-in-chief and nominally the superior

officer was responsible to the minister of war. The result of this attempt of Casimir Périer to maintain a civil administration beside the military one, was premature and after four months the experiment was abandoned and the civil intendant replaced by a military sub-intendant. Confident of the support of the great prime minister, the Duc de Rovigo went to Algeria prepared to carry out a vigorous forward policy. The old idea of the army of occupation was to be abandoned, and to mark the change, practically the whole force in Algeria was replaced by new troops in larger numbers. The cholera epidemic carried off Casimir Périer in May, 1832, and his policy died with him. A similar epidemic visited the natives as well as the French in Algeria, thus interfering with successful campaigning. After all allowances are made, however, the Duc de Rovigo was a complete failure as commander-in-chief. His only achievement was to strengthen the French control of the environs of Algiers, and to direct a few raids. He succeeded in some measure in making an impression on the Arabs, especially by certain summary executions, which recall the execution of the Duc d'Enghien. The most flagrant of these acts was the massacre of about seventy tribesmen wrongfully suspected of an act of brigandage.

While little happened at Algiers under the direct command of the Duc de Rovigo, events of importance were taking place at Bona and Oran. Captain d'Armandy and Jussuf effected the complete occupation of Bona in March, 1832, by a series of intrigues and exploits. Jussuf was one of the most interesting figures in the conquest of Algeria. Of French parentage, from 1814 to 1830, he had been a captive at Tunis, where his adventures ended in a love affair with a daughter of the bey, which compelled his flight. This brought him to Algeria just at the moment of the beginning of the conquest, and his knowledge of the people and the languages of North Africa made him an invaluable ally of the French, while his intrepid courage won him prompt military promotion. General Uzer was appointed to the command at Bona, and by a policy of firmness and conciliation made the French occupation of that town and its neighborhood secure.

At Oran, General Boyer was still in command and being of equal military rank with the commander-in-chief paid him but slight deference. In April and May of 1832, he had his first conflicts

with the new Algerian leader Abd-el-Kader, and in October administered to him a severe defeat near Oran. At the end of the year Boyer was replaced by general Desmichels at the request of the Duc de Rovigo. Illness compelled the commander-in-chief to leave Algeria on March 4, 1833, and three months later he was dead.

The rise of the great national hero of the Algerians in their struggle with the French must be noted. Abd-el-Kader was born in 1807 near Mascara, in the province of Oran. As a youth he had twice accompanied his father to Mecca, and had been as far as Bagdad. While excelling in horsemanship and soldierly accomplishments, he was an able diplomat and a natural leader of men. In the disturbed conditions on the Moroccan frontier of Algeria following the French occupation of Algiers and later of Oran, a marabout of Mascara, Mahi-ed-din, began to encourage his countrymen to unite in opposition to the invaders by appealing to their religious fanaticism. Finally in an assembly of important men of the region at Mascara, Mahi-ed-din was chosen as chieftain. While reserving for himself a certain amount of authority, he persuaded the tribesmen to accept as their military leader one of his younger sons, Abd-el-Kader, then in his twenty-fourth year. As already noted the youth began his career as the leader of the native opposition to the French in the spring of 1832, and after his defeat in the autumn of that year his father yielded all power to him and he was proclaimed emir. For fifteen years he was the central figure in the history of Algeria.

After the return of the Duc de Rovigo to France the temporary command was exercised for a few weeks by General Avizard, who created the Arab bureau, which he placed under the charge of Lamoricière. This young officer, who was employed almost continually in Algeria from the landing of Bourmont to the capture of Abd-el-Kader seventeen years later, is the one great French soldier who owes his reputation exclusively to achievements in Algeria. He is the only important Frenchman who has made a reputation in Algeria for ability to understand and handle natives such as a number of Englishmen have shown in India. He belongs to the same class of men as Henry Lawrence and Cavagnari, dauntless, chivalrous, masterful.

In April, 1833, Lieutenant-general Voirol took over the provisional command, and after the death of the Duc de Rovigo, was

invested with the permanent command which he held until the autumn of 1834. Though a veteran of the Napoleonic wars, who had attained high military rank, Voirol is remembered only for having been the commanding officer at Strasburg, whom Louis Napoleon made ridiculous by his mad-cap adventure in 1836. He showed himself at once firm and conciliatory, so that his administration, while lacking in events of importance under his direct command, was marked by a distinct improvement in the French position at Algiers. Elsewhere events of great significance were occurring. Circumstances had directed attention to Bougie, a port in the province of Constantine. Lamoricière visited the town, investigated the situation, and was influential in persuading the minister of war, Marshal Soult, to send an expedition thither direct from France. On September 29, 1833, a force under General Trézel landed near Bougie, and a fortnight later had completed the occupation of the town. Wounds compelled Trézel to return to France, leaving Commandant Duvivier in charge of the garrison of Bougie.

General Desmichels, who had performed splendid feats of daring under the eye of Napoleon, set out to inspire courage and enthusiasm in his men by delivering a series of heavy blows against Abd-el-Kader and extending the sphere of French influence around Oran. After some sharp skirmishes, Desmichels occupied Arzeu and later on July 28, 1832, also placed a garrison in Mostaganem. The occupation of these two important posts on the coast just east of Oran was scarcely offset by Abd-el-Kader's incomplete occupation of Tlemcen, the most important town in the hinterland of Oran. Desmichels continued his efforts to bring the struggle with the Arab emir to an end, but did not alter the indecisive character of the situation, and so he turned to diplomacy and negotiated with Abd-el-Kader the treaty of the Tafna on February 26, 1834. This agreement, with the various tacit understandings involved, did not give the French any advantage, and was a serious blunder. One of the secret understandings even permitted the natives to import arms and ammunition.

At the negotiation of this treaty in 1834, France had extended her power so that she then had garrisons, not only in Algiers and Oran, but also in Bona and Bougie in the province of Constantine, and in Arzeu and Mostaganem in the province of Oran. The

French tenure was also everywhere more secure than it had been at any previous moment. Still the position of the French was very weak, and the negotiation emphasized the weakness. Meanwhile, the power and prestige of Abd-el-Kader were daily growing. In 1833 a committee of inquiry had visited Algeria and reported on the situation. In accordance with its report the permanent retention of the garrisoned towns was decided upon, and a governorship-general with full civil and military powers was appointed. The new official, Lieutenant-General Drouet, Comte d'Erlon, at once secured the recall of Desmichels and the appointment of Trézel to his place. At the same time the treaty of the Tafna was disavowed by the Paris authorities.

Comte d'Erlon, a veteran of the Revolution and the Empire, was on the verge of his seventieth year. His age and his personal character unfitted him entirely for the command, though he had an excellent record as a soldier, in spite of the curious complication of events which kept him and his corps of 20,000 men from participating in the battle of Waterloo. His career was as futile in Algeria as it had been at Waterloo, and a year later the old man went into retirement. Years afterward, when the Napoleonic Legend was growing, the veteran of Jena and Friedland was remembered, and as a last tribute he was given the baton of marshal of France, a few months before his death.

Though the commander-in-chief was inactive, the same was not true of his most important subordinate, General Trézel, whom he had caused to be assigned to the command at Oran. Trézel was a man of excellent character and wide experience. Brave, chivalrous, and generous, his misfortunes as an officer call for sympathy rather than blame. He had, unlike the other soldiers of the Empire already mentioned, been in continuous service since 1801, having escaped proscription at the Restoration. He had performed valuable services in connection with the topographical bureau of the army, a bureau made famous by Carnot and Bonaparte; had accompanied Gardane's mission to Persia in 1807; had lost an eye at Ligny; and had served in the Bourbon expeditions to Spain and the Morea. His capture of Bougie in 1833 had given him a reputation for success in Algeria, which he promptly set out to increase. On June 26 and 28, 1835, he fought two engagements with Abd-el-Kader at the forest of Muley Ismael and at the

Macta. On the first occasion his troops were assailed while marching along a sunken road bordered with a growth of underbrush and young trees. Having extricated his forces with some loss, he resolved to march to Arzeu and two days later was ambushed in a defile between some low wooded hills and a marsh. The two disasters were in some measure due to lack of precaution on the part of Trézel, but more to hard luck and the bad behavior of some of the troops. Trézel showed himself a fine soldier, if not a cautious commander, and generously assumed all the blame for the misfortune. Over 350 Frenchmen were slain at the Macta. The news of this disaster had much the same effect in France as the news of the terrible slaughter at Maiwand in the second Afghan war had upon the British public. The wound to the national pride decided the French government upon vigorous measures. The aged Comte d'Erlon, and the unfortunate Trézel were alike recalled, and Clausel, now a marshal of France, was sent to Algeria for a second time as commander-in-chief, in August, 1835.

(TO BE CONTINUED.)

The Preceptorial System

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It is now two years since President Woodrow Wilson inaugurated at Princeton the new system of instruction which has come to be called the Preceptorial System. What was confessedly an experiment has justified itself so thoroughly that it may now be regarded as firmly established; in fact, its success has been greater than could reasonably have been anticipated. It is, therefore, of even greater interest to all who are alive to the progress of educational movements than it was at its inception, and its actual working out in practice has given a better opportunity of understanding what it is and what it means, as well as a basis from which to estimate its achievements and its possibilities.

In the first place, it may help to a better understanding of what the Preceptorial System really is, if some of the misconceptions regarding it are removed. The most common of these is that the preceptors are "tutors" in the common understanding of that word in America, namely, young men fresh from their graduation exercises, who teach other and younger men how to pass examinations. This misconception was sought to be avoided by the use of the rather formidable term of preceptor instead of tutor, which is the designation in the English universities from which the initial idea comes. The preceptors are in no sense coaches for the examinations supplied by the university; it is not a preceptor's business primarily to get men through the examinations; in fact, if he is conscientious, he will try to keep all idea of examinations as far away as possible from his own mind and that of the men under his direction, for whom the term "preceptees" has come into use. It must not be supposed, however, that a preceptor's work does not count when the students come to the examinations, for in the long run the work of a good preceptor shows in the average results of the men under his direction, but his results should be those that come from the quickened interest and incentive to work he has imparted, rather than from any special preparation for the particular examination. In this connection it may

very properly be noted that it is the preceptor's object to teach a subject and not particular books—a statement which will become clearer as the details of the system are made apparent.

The purpose of the new system, which is not new except in the fashion of its application, as President Wilson has so aptly expressed it, is to combine the intimacy and closeness of contact between professor and student as it exists in the small college, with the inspiration that should come from the broader life of the university—the intimacy of association and the inspiration it is the task of the preceptor to supply.

In order to understand the system thoroughly, it will be necessary to go into some detail regarding the curriculum, and furthermore to limit the application of the working out of the system to a single department. It must be constantly borne in mind that the system is elastic, and that in a double sense; first, in its application to the different branches of knowledge, and, second, to the varying capabilities of the students.

It is quite evident that its application in mathematics or modern languages will be of one sort, and in history or philosophy of a vastly different sort, but in all there is the same object—intimacy of contact with a more mature mind and the inspiration that should come from it. In this sketch of its application, there will be in mind the way it is applied in the department of history, politics and economics, for these three subjects are grouped into a single department. The new curriculum which preceded the Preceptorial System by a year, is based on the principle of the correlation of studies, of the grouping into departments of kindred subjects and requiring that a student should ultimately concentrate his attention in large measure upon some one department. All the courses offered are, with few exceptions, grouped into eleven departments and these departments again into divisions. The idea of the free elective system was never accepted in its entirety at Princeton and now the necessity of choosing departments within which the major portion of his work lies, still further reduces the student's freedom of choice, but in the direction of thoroughness in what he does take. In the Freshman year practically all the courses are required, the only latitude being in the matter of alternative courses, as French or German, the choice being determined by the one presented for entrance. In the Sophomore year there begins

to be real freedom of choice and a preliminary choice of a department becomes necessary; the studies of the Sophomore year, which are prerequisites for the departments of the Junior year, are so arranged that it is possible for a student to make himself eligible for several departments. At the beginning of the Junior year the final choice of a department is made and must then, generally speaking, be kept throughout the remainder of the course. All courses in the department must be taken; they may not exceed three in number, and, as five courses of three hours a week are necessary to complete a student's schedule, he still has two courses to select; one of these he must take in the division within which his department lies, the other he must take outside.

In the Senior year a still greater concentration in the department may take place, as it is possible for the five courses to be taken wholly within the department, and this is something very frequently done in so inclusive a department as that of history, politics and economics. Until a final choice of a department is made, that is, until the beginning of the Junior year, the student passes from one preceptor to another, as his courses change, and there is often not sufficient time for the preceptor to exert a very lasting influence upon the student; this is a difficulty that has been obviated in certain lines of work by allotting a student, say in English, to a certain preceptor who will then direct the student's work in English for one, two or even the whole four years of undergraduate life.

However, it was proposed to deal with the department of history, politics, and economics as typical of the so-called "reading courses" and as representative of the work as a whole. At the beginning of the Junior year all students, who have elected the department, are divided into as many groups as there are preceptors in the department working with Juniors. The number in each group is from twenty to twenty-five, so that each preceptor has this number of men under his direction in the courses of the department. It should be said here that because of administrative difficulties the economics of the Junior year has not yet been treated preceptorially. These same men who are assigned to a particular preceptor at the beginning of the Junior year, remain under his direction till the end of their course.

The question is often asked: Just what does a preceptor do?

Answering for the department under consideration, it may be said that he meets the twenty or more men assigned him, in groups of not more than four or five, one hour a week in each course taken in the department, for a conference on a certain amount of reading assigned in connection with the course. Upon the skill with which the preceptor handles the conference depends his success and the success of the system, for it can be no better than the men who administer it. It is very easy for such a conference to degenerate into a quiz, with all the disagreeable features of class room recitations, or into a pleasant, but profitless discussion of, or more likely discourse by the preceptor upon, questions far afield and of slight moment. How each preceptor will work out the solution depends upon his own mental attitude and equipment. Certain it is that no two will conduct their conferences in the same fashion. The object of the conferences is to interest the "preceptees" in what they are doing; to introduce them to good books; to show them the delights of mind that come from intimate contact with great writers; to demonstrate the charm that comes from a cultivated and well-stocked mind; to discover to them the genuine pleasure that follows from an active use of their faculties, and all this by stimulating their interest and guiding their taste. In short "to make reading men of them." With it all, it is necessary to see to it that at least a fixed minimum of work is done, though in the character of "guide, philosopher and friend" there should be small need for disciplinary measures. Attendance and the minimum of work are secured by the ultimate power that rests with the preceptor of debarring from the examinations any student whose work has been unsatisfactory.

It was said above that the system was flexible, not only as regards different kinds of work, but also as regards its application to different students. The preceptor soon learns the type and character of mind of the men he meets in conference, and within the limits set by the schedule, it is possible to group men of like minds and tastes. The bright men may be segregated and met individually or by twos or threes, and given a wide liberty in their reading and their conferences, and it seldom happens that they are not eager for the chance to push ahead. There may likewise be a segregation to the dullard and the sluggard, so that they may not be overshadowed by, or hide behind

the bright men. The great middle class, of mediocre ability and ambitions, may be thrown together in somewhat larger groups without serious harm. Furthermore, it is of the essence of the system, as well as of the curriculum, to effect a correlation of the studies pursued, and thus it devolves upon the preceptor to keep constantly before the student's mind the fact that certain great bodies of knowledge are intimately related, and to point out to him the points of contact and relationship as they arise.

The results of the preceptorial system upon the thought and life of the undergraduates have been marked. There is, as was to be expected, more work being done and work of a better kind, but this work is not being done at the expense of legitimate athletic exercise or other activities of undergraduate life; organizations, both literary and social, are flourishing. The conclusion is irresistible that students are learning to utilize their time and to spend less of it in idle gossip—"hot-air" in college slang. Though more work is being done in connection with the regular courses, the librarian's report shows that the interest of the general reader has been increased and the library is constantly being used by a larger number of men. To an outsider, the most apparent change that has accompanied the introduction of the preceptorial system, whether it be a result or not, is seen in the character of the conversation whether in rooms or clubs; it is no longer all of sports and records, but of books and men. The thing desired has been accomplished; men are becoming enough interested in the things they are reading about, to find pleasure in discussing them. It is hardly too much to say that somewhat of a literary and intellectual atmosphere is beginning to make itself felt. One further result that is pleasing may be seen in the changed attitude of the average undergraduate toward the faculty; hostility has been forced to yield before the intimate relationship of preceptor and student, and in its place has come an intelligent appreciation of another standpoint than that of the student.

In conclusion, a further change in the life of the student body has recently been proposed, with the object of correlating the social life in conjunction with the correlation of the intellectual life which has already taken place. Instead of the present system of residence in dormitories and meals in clubs, the new plan contemplates the grouping of the social life about "residential col-

leges," "quads" in which certain dormitories will be grouped together with a common dining hall under the direction of one or more of the preceptors. In this way it is believed that a closer unity of the intellectual and social life may be attained, that there will be effected a coördination to a common end of forces which now seem to some extent opposed. But inasmuch as only the idea has been proposed, it is too soon to do more than mention it as one of the presumptive changes following upon the introduction of the Preceptorial System.

Dunning's History of Reconstruction*

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There has been in recent years a marked transfer of historical interest from the Civil War to the years immediately succeeding that conflict. In periodicals directly, and incidentally in memoirs and biographies, the events and problems of the period have been discussed from various points of view, while colleges and universities have made them the subject of special courses of instruction and investigation. For this situation several reasons might be assigned: the new outburst of nationality and brotherhood during the last decade of the past century and the passing of the generation that lived during the years of reconstruction give a saner and more impartial perspective; the readjustment in the political status of the negro in the South and the discussion of the race problem; and a growing impression that while the war preserved the union, a new union was created in the readjustment which followed. It is therefore eminently fitting that the American Nation, the leading monographic history of our country now coming from the press, should have a volume devoted to the period from 1866 to 1876.

Mr. Dunning is extensively known for his active interest in reconstruction problems. In his "Essays in Civil War and Reconstruction" he was among the first, if not the earliest, to call attention to the legal and constitutional phases of those most critical years in our national history, while his lectures and seminar at Columbia have drawn there a number of young men, some of whom have published extended studies in the special problems and local conditions during reconstruction. "Reconstruction, Political and Economic" has for perspective, therefore, the maturity of long-standing interest and the continuous contact with the work and views of others. The result is a chastened piece of historical writing, in which all the elements that make history

*The American Nation: A History. Volume 22. Reconstruction, Political and Economic, 1866-1877. By William Archibald Dunning, Ph. D., LL. D., Lieber Professor of History and Political Philosophy, Columbia University. New York and London: Harper Brothers, 1907, xvi.,—378 pp.

are unusually well arranged, the chapters linked together by such an undercurrent of thought that marks a book to be read at one sitting.

This undercurrent is that Reconstruction was primarily a national, not a sectional process. It was "a step in the progress of the American Nation," a time when the country recovered gradually from the conditions incident to the Civil War, a recovery accompanied by such readjustment of national powers and of political forces "that the final steps . . . revealed with unmistakable clearness the truth of the Southern view that a new union had been created." Such an interpretation must emphasize the interests of the nation at large, especially conditions in the North, "where the social, economic, and political forces that wrought for progress are to be found," but it also gives a saner and an impartial view of sectional problems in the South, which here form and will ever form the best introduction to any comprehensive study of the period. Indeed, the treatment of the South is the most distinctive feature of Mr. Dunning's work; it is notable for an insight into the relation of Southern conditions to national problems, a rare appreciation of actual conditions in the Southern States, and a lack of sympathy for the motives of the radical leaders in Congress.

This attitude is well illustrated by the account of the process by which the radical program was imposed on the south. President Johnson's liberal policy created "political conflict only less demoralizing than the conflict of arms which it followed." The radicals in the Union party, alarmed at the extension of executive activity in Lincoln's and Johnson's plans for restoration, feared that a new party composed of liberal Unionists and conservative Democrats would, under Johnson's leadership, sweep the country. Public opinion in the North, however, was with the President until the sporadic appearance of secessionists in Southern politics and the emergence of the race problem. Rumors of race friction seemed to be confirmed by the so-called black codes which fixed the economic and legal status of the emancipated blacks. These were "represented to be the expression of a deliberate purpose by the Southerners to nullify the result of the war and to re-establish slavery," but after making allowance for the more notorious features of this legislation, Mr. Dunning finds that it

"was in the main a conscientious and straight-forward attempt to bring some sort of order out of the social and economic chaos which a full acceptance of the result of the war and emancipation involved. . . . As in general principles, so in details the legislation was faithful on the whole to the actual conditions with which it had to deal. The restrictions in respect to bearing arms, testifying in court, and keeping labor contracts were justified by well established traits and habits of the negroes; and the vagrancy laws dealt with problems of destitution, idleness, and vice of which no one not in the midst of them could appreciate the appalling magnitude and complexity . . . After all the greatest fault of the Southern law makers was, not that their procedure was unwise *per se*, but that when legislating as a conquered people, they failed adequately to consider and be guided by the prejudice of their conquerors."

This economic legislation was a great aid to the radicals; it gave rise to the Freedman's Bureau Bill which Johnson vetoed and the Civil Rights Bill which was passed over his veto. The irrepressible breach between Congress and the President was thus made and the Fourteenth Amendment was soon submitted to the States for ratification. Johnson lost the support of many conservative Unionists and in the election of 1866 his friends attempted to form a new party composed of conservative Unionists, to which Democrats, border State Whigs and ex-Confederates spontaneously turned. Against him, however, was practically the entire Union party. The issue was clearly drawn; "the appeal was to the reason and the sound political sense of the voters. No more serious debate, no more serious problem, had engaged the attention of the American democracy since the days of 1787 and 1788. . . . The Constitution and the precedents of the past favored the policy of the President; expediency and concern for the future gave strong support to the Congressional scheme." Chiefly through the excitement produced by the New Orleans riots, "reason was displaced by feeling" and the President's party was defeated. The radicals now had full sway, being led by Stevens, a man of "keen and relentlessly logical mind," but of "total lack of scruple," and Sumner, "a perfect type of that narrow fanaticism which erudition and egotism combine to produce and to which political crises alone give the opportunity for actual achievement." The

President was gagged by the Tenure of Office Act, the South was placed under military rule, and plans for its political reorganization were made by the Reconstruction Act of March, 1867. The removal of Stanton from office then precipitated the actual conflict between Johnson and Congress. Although "the twelve hundred pages of printed evidence" of the Judiciary Committee "were in reality a signal evidence of Mr. Johnson's innocence," Boutwell, a "typical exponent of the Puritan political conscience," presented a resolution of impeachment. The trial, when it eventually took place, was largely a matter of form, the question being "whether the President should be deposed from office because of his political opposition to the majority in Congress." The failure of the proceedings by one vote Mr. Dunning has elsewhere characterized as marking a "narrow margin by which the Presidential element in our system escaped destruction."

While it is clear that Mr. Dunning's sympathies are not with the radical program, his description of its enforcement in the South is judicious and discriminating. He does not dwell on the "picturesque details of Ku Klux operations and carpet-bag legislation and fraud," but points out the underlying forces that caused disorder. Chief of these was a radical misunderstanding. "It was as inconceivable to the Southerners that rational men of the North should seriously approve of negro suffrage *per se*, as it had been in 1860 to the Northerners that rational men of the South should approve of secession *per se*. Hence, in the one case as in the other, a craving for political power was assumed to be the only explanation of an otherwise unintelligible proceeding." Consequently, while the new constitutions in the South "embodied many provisions which were in the abstract highly commendable," the innovations "served to sharpen the hatred and contempt with which the whole procedure of reconstruction was received by most of the whites." The most conspicuous phase of the administrations under these constitutions was financial inefficiency and corruption, extravagance being especially manifest in public works, a feature which found a counterpart in the misrule of the notorious Tweed ring of New York City. But the novel and peculiar element was the race issue, the increasing desire of the blacks for rights and privileges similar to those of the whites, and the resulting cleavage between the carpet-baggers and the native

conservative Republicans in the South. Moreover, reform was blocked by the interference of the federal authority which, through misapplication of the Ku Klux Act, supported "a social and political system in which all the forces that made for civilization were dominated by a mass of barbarous freedmen."

Radical reconstruction in the South had met opposition from the start. This found expression in the Liberal movement of 1872 and in decisions of the Supreme Court in 1873 and thereafter. But there was no relief for the South until reconstruction processes in the Northern and Western States had matured. There the readjustment was primarily economic rather than social and political. The exploitation of oil wells in Pennsylvania and of gold resources in the West, the increase of grain production beyond the Mississippi, the extension of transportation facilities to the West, the consolidation of eastern lines and changes in the urban population of terminal cities were the principal features. These changes were accompanied by a speculative spirit, "the sordid and repulsive feature of a wealth getting era," as well as adjustment in national finances, which soon showed reaction in political conditions. Discontent with railway administration found expression in the Granger movement, the tampering of capitalists with national affairs gave rise to the Black Friday incident and the Credit Mobilier, while there were numerous incidents in which the officials of the government were implicated in questionable and even fraudulent speculations. The revelation of these conditions caused a demand for reform and a reaction against the Republican party in the congressional elections of 1874, "which clearly ended the era which the elections of 1866 had clearly begun." With this awakening to conditions in the national administration also came a feeling that the radical administration in the South was a failure, and in 1876 reform in the national government and a readjustment of the Southern problem became the issues of the Presidential campaign. The last two chapters in the book close with the disputed count and the electoral commission, and clearly and judiciously tell the story of partisan manipulation.

Such is the interpretation of the years of reconstruction by Mr. Dunning. While conditions in the North and West, "where the forces that make for progress" are found, are clearly stated, all

readers must feel that the author's best work is on the South, and the relation of Southern conditions to national affairs. For this, personal interest is not alone responsible, for historical study has hardly begun to approach national affairs of the period except through the South. The "South bulks largest in the history of reconstruction," and also the range of sources for conditions in the North and West is not so extensive as for the South. Yet those familiar with Mr. Dunning's work and views cannot close the book without longing for another chapter summarizing the various political and constitutional tendencies of the period. The appendix contains a critical essay on sources which will prove a valuable guide to further reading.

Recent Educational Progress in the South

The June number of the *World's Work* contains the most striking exhibit of Southern progress during the past decade that has yet been made. Too much cannot be said in praise of the editor who conceived and executed such an inspiring record of the achievements of the Southern people. A large number of carefully selected illustrations tell the story of progress as no statistics can, while incidents and conversations gathered from a journey of two months and a half in all parts of the South, give the human aspects of the situation better than more serious articles. No Southerner can read the magazine without feeling a thrill of joy that he may take some part in a great creative movement in industry and education. No American can read it without genuine pride that a section, arrested in its growth by many distressing circumstances, is now coming into a realization of its possibilities.

Perhaps the most significant article is Mr. Page's "A Journey through the Southern States," portraying the South of today in contrast with that of ten years ago, at which time he made a similar journey for the purpose of writing a series of articles for the *Atlantic Monthly*. Recalling his impressions of that journey he says: "One heard much more about difficulties than about triumphs. The men who were conducting the colleges and the universities were working with heroic devotion but almost everywhere with pitifully meagre equipment; and there was a certain depression in the tone in which they spoke of their problems . . . The hard times of the past was still the most frequent topic of conversation . . . I do not recall bitterness in this undertone of conversation so much as loneliness—and isolation, and a sense of despair. After two months of such observation I went back to Boston. I wrote nothing for publication. I read over my note book and concluded that if I undertook to describe what I had seen and heard, the dominant note would be a note of depression, and I did not see how such a report could be of any value to anybody." Going back over the same journey this past winter he finds everything different, and adds: "I doubt if anywhere in the world there has been so rapid a change in what may be called

the fundamentals of good living and of sound thinking and of cheerful work, as the change that has taken place these ten years in many of these rural districts."

Striking as are the facts set forth by Mr. Page and other writers in his magazine, almost any observant Southerner can duplicate any one or all of them. Indeed, the editor was forced to omit enough to make two other magazines. Some new chapter is being added to the record every day. Noteworthy incidents which do not find their way into the columns of the Associated Press are very significant to the close observer. During the past summer a series of such incidents have occurred that seem to the editors of the *QUARTERLY* worthy of special note as indicating the trend of the most recent educational progress.

For instance, a meeting of the county superintendents of public instruction in North Carolina was held at Montreat, September 4-6. There were 90 out of the 97 counties represented—a fact highly indicative of the new interest and zeal that these officers are manifesting in public education. In place of the old teachers' meeting composed of a heterogeneous mass of teachers, we have here a definite body of men, met to consider definite methods and plans, under the guidance of a State superintendent of public instruction, who had but a few months before, with rare self-sacrifice, declined the offer of the presidency of an important institution. In addition there were two professors of education who have brought to the present situation the knowledge and the training of experts. Seldom has there been in the State a meeting of larger import—certainly not the political meetings which are heralded far more widely. All the speakers seemed to realize that while the work of agitation must continue there has begun in a real sense the work of more constructive statesmanship. Perhaps the most characteristic incident of the meeting was that recorded as follows in the *Charlotte Observer*:

"Thursday morning, before the regular program was taken up, Prof. E. C. Brooks, editor of the *North Carolina Journal of Education*, made a brief statement of the financial condition of the *Journal* and urged the superintendents to rally to the support of the publication. Several of the superintendents spoke briefly of the advantage the *Journal* had been to them and of the help it had been to their teachers. After these words of commendation

there followed a scene which we believe is without a parallel in the history of educational journalism. Within less than twenty minutes six thousand subscriptions had been pledged, the superintendents themselves becoming personally responsible for the payment of these subscriptions. We wonder if any other educational journal was ever paid such a compliment. As we see it, that body of men could have given no greater proof of their zeal and faith in their high calling, nor could they have made a surer manifestation of an earnest desire to improve themselves and their teachers."

The most important work before this meeting was the consideration of problems growing out of the new high schools provided by the last legislature—definite courses of study, the better preparation and examination of teachers, the teachers' libraries and associations. This work in North Carolina is paralleled by that undertaken by several of the Southern States. Professor Bruce R. Payne, of the University of Virginia, at the last Conference for Education in the South, made a striking statement of the progress of high schools in Virginia, which we quote at some length:

"One hundred and sixty-eight high schools have met the requirements of the State Board of Education and are now receiving State subsidy, ranging from \$250 to \$400. These requirements are that they shall expend for high school purposes one dollar raised locally for each dollar contributed by the State, and that they shall employ a sufficient number of well trained teachers to teach the subjects required in the new State high school course of study. These figures mean that 168 high schools have begun in Virginia and if we are persistent and idealistic in our future efforts we shall develop these into real high schools of the first grade before long.

"Not the least beneficial result is the new State high school course of study. It required the work of many men for many months, and I believe it will in the main stand the test of scientific investigation. It was submitted for criticism to the leading educational experts of the country. Its requirements, if fulfilled, will not only fit the student for business life, but also for entrance into the universities of the country, and a professional career.

"There were 138 more high school teachers in Virginia this year than twelve months ago. Forty-one counties open their high

schools free to all the white children. Outside of these counties there are 85 districts (townships) which have free high schools.

"Besides the \$50,000 appropriated by the State, the local communities have appropriated about \$301,037 for high school buildings and repairs. And while it is difficult at this time to procure the amount provided locally for permanent support, the returns received at the State Department supplemented by my own figures indicate that the aggregate will not fall far short of \$200,000. Thus, instead of raising dollar for dollar, the local authorities have raised during the first year of the existence of the high school system five dollars for each dollar received from the State exchequer. In this connection it is notable that \$41,789 has been contributed from private sources in twenty-five counties for school buildings during the year. All this is Virginia money, contributed by Virginia citizens. And, besides, the county and district taxes in high school districts have been raised four cents on the hundred dollars during the year.

"One of the important effects of the high school bill is its influence upon the adjacent elementary schools. One hundred and forty-three schools were consolidated in the organization of these 168 new high schools. One hundred and six grammar grade teachers were added in order to afford better preparation for the high school student. Furthermore, the new high school course of study created a universal demand for a uniform course of study for the elementary schools. This has now been prepared and will be officially applied next year.

"What does this marvelous progress mean for Virginia? Many things; much that I cannot here narrate. It means that Virginia has determined at all cost to bridge the chasm existing between her elementary schools and her University. It means that equality of educational opportunity shall no longer be denied the Virginia boy."

Lest, however, such facts might cause undue glorification of past results, he adds: "What is there yet to be done? In my judgment, nearly everything except the inception of the system is yet before us. We have the same problems to face which any great business enterprise has which has erected its building and installed its equipment. We shall have to perfect the enterprise. In method this implies that we shall have to select the strategic

schools and build them up one by one to the ideal. There are two things which I fear most in this Southern educational awakening. First, that we shall too quickly become satisfied. If the public in Virginia become satisfied with a second or third grade high school before it has been transformed into a first grade one, we shall have gained but little. In the next place, I tremble to think of the relative dearth of highly trained, expert, educational leaders in the South. We have a few good and capable men in each State, but what are so few amid such a harvest? What we need now, and what we must have, is an increase of local educational leadership, more men who can go inside of those high schools with the ideals, training and experience of experts and develop them along lines of permanent helpfulness. The chief alarm that I have now is on account of the apathy of the leaders of this movement in the South with reference to the provision of an adequate training for educational leadership. We have the trained educational campaigner and we still need him. But a new type of expert is the only hope of further development. If we do not get him soon we shall witness a falling off that will be sickening. There is too little opportunity in the South for the adequate preparation of efficient high school teachers. Even the summer schools seem not to have taken up this matter seriously. Without certain definitely provided assistance it seems unlikely that the high school teacher will go North for such training, or that the higher institutions of learning near him will be able to offer the needed opportunities."

The point here suggested by Professor Payne as to the better preparation of teachers is undoubtedly receiving the attention of Southern educators as never before, for within the past three years departments of education have been established at several of the leading colleges and universities. It may be readily admitted that there was much to be criticised in the chairs of "Pedagogy" as first established in this country. Normal schools have frequently been as inefficient in providing the right sort of teachers as agricultural schools in making expert farmers. But the study of education as a science is receiving more and more intelligent consideration. With the excellent work done by the departments of education at Columbia and Harvard it may be readily seen that there is just as much need now for professional training of

teachers as there is for that of doctors or lawyers. The history of education, the personalities and ideas of great educators, the study of educational values and standards, the scientific consideration of various curricula—all these demand the expert. That such departments are now being organized in Southern colleges is therefore of much significance. The first distinct move in this direction was the establishment of the Curry School of Education at the University of Virginia. Within the last two years departments of education have been inaugurated at the University of North Carolina, Trinity and Wake Forest (in North Carolina), and at the University of Georgia, the University of Texas, and other State universities. Such departments will emphasize the call for good men as teachers—men who will look to teaching not as a stepping stone to other professions, but as a profession of equal dignity with any other. They should do much to uplift the standards of education and to work out a better correlation of the entire educational system.

The announcement that these professors of education will meet with the Southern Association of Colleges and Schools at the University of Georgia in November emphasizes the increasing importance attached to educational standards. Public attention has for some time been directed principally to elementary education, but the problem must shift more and more to the relation of high schools and colleges. The report of the Carnegie Board, with its severe rebuke of educational standards in the South, has tended to awaken many who have not before considered the question very seriously. As pointed out by Chancellor Kirkland in a searching article in the July SOUTH ATLANTIC QUARTERLY, the report of this Board may well prove epoch-making if it shall arouse Southern institutions to the shameless disregard of the demands of elemental honesty in educational work. Institutions that may never hope to profit by the benefaction of this Board will not permit themselves to be rated so low in the eyes of the American people by men who know what educational standards are.

It must not be thought, however, that the report of the Carnegie Board is primarily responsible for this agitation, for the Southern Association of Colleges and Schools has for ten years worked with varying degrees of success toward this same goal; and the Southern Methodist Church has initiated a movement looking

towards the standardization of its colleges. In the year 1898 the General Conference, the law making body of the church, created a Commission on Education consisting of ten practical educators who have authority to present minimum requirements for admission and graduation to be demanded of institutions affiliated with the church. Since that date the Commission has met at least once in every four years and has prescribed a standard by which all institutions affiliated with the Methodist Church have been classified. The last session of this Commission was held at Old Point Comfort, Va., August 27-29. The standard then set up, especially in the requirements for admission, marks an advance over other years.

There are to be two classes of colleges, Class A and Class B, and the standard of requirements for admission is graduated, part of the requirements to be enforced in 1908 and the full requirements in 1910. The requirements are designated in terms of units, a unit, as more commonly used by college entrance examination boards, being a course of five periods weekly throughout an academic year of the preparatory school.

In 1908 colleges of the B Class must require $9\frac{1}{2}$ units, colleges of the A Class 12 units. In 1910 colleges of the B Class must require 12 units and colleges of the A Class 14 units. Fourteen units constitute the minimum amount of preparation which the Carnegie Foundation accepts as four years of academic or high school preparation and which is enforced by the best colleges of the country. This standard when put into full effect in 1910 will place the colleges of Class A, in the matter of admission requirements, alongside the strong colleges of the country, even though four of these fourteen units may be satisfied after the student has entered college. The definitions of the units are practically the same as the requirements of the College Entrance Examination Board and the Carnegie Foundation. Institutions falling below Class B are not to be rated as colleges at all. Colleges are to offer but two bachelor's degrees, A. B. and B. S., and the requirements both for admission and graduation demanded of candidates for the two degrees must be equivalent. A college must have seven professors, a course of four years in arts and sciences, and an income of \$5,000 exclusive of tuition fees. To belong to Class A a college must have an endowment of at least \$100,000.

In the work of the elevation of standards the University of the South at Sewanee has played a most noteworthy part—first, by its own practice, and second, by coöperation with other Southern colleges. The celebration of its semi-centennial (June 20-27) under the most felicitous circumstances gave fresh emphasis to its very noteworthy record in scholarship and culture. Those who were permitted to be present realized as never before, perhaps, the significance of the institution, as they listened to the story of its struggles and achievements as set forth by representatives of the alumni, faculty, and trustees and by distinguished visitors. The beauty of the natural surroundings, the style of Gothic architecture prevailing in the buildings, the high quality of the addresses made by representatives of American colleges, all combined to make the occasion a very notable one.

The history of the University is typical of other Southern institutions, only there is an added note of romance about it. The leading bishops of the Episcopal church conceived the idea of establishing a great central university, especially for the Cotton States. Realizing the low standards that prevailed in the South, they dreamed of a university that should have an endowment of \$3,000,000, an institution that might be the worthy rival of Harvard and Yale, or, as one of the promoters wrote, "an Oxford, or a Göttingen, or a Bonn, or all three combined." There were to be selected eminent professors from all parts of the world, distinguished men of letters were to make their home there, while from printing presses should go a native literature—in a word, it was to be "a home of all the arts and sciences and of literary culture in the Southern States." With some such hopes the University was launched on Lookout Mountain in 1857, and by the time of the breaking out of the Civil War, a half million dollars had been raised, and the corner-stone laid at Sewanee. The war swept the endowment clean away, and left only a large tract of land, the charter and statutes, and the notion of a real university. The very corner-stone was shattered by the Federal army.

Then began the hard struggle with poverty and at times with despair. That hope did not utterly die out was due, more than to aught else, to the late Bishop Quintard; that during the past fifteen years the University has gone steadily forward is due largely to the perseverance and wisdom of Vice-Chancellor Wig-

gins, who was rightly the hero of the semi-centennial. Sewanee has in this last period begun to realize some of the dreams of the founders. Notably there has been a healthy literary activity. The Sewanee Press has published books that would do credit to the best presses of the country, while the *Sewanee Review* and more recently the *Pathfinder* have been decided influences in contemporary periodical literature. With plans projected at the semi-centennial by the alumni for raising \$3,000,000, the University may be said to have entered upon a new era in its history.

BOOK REVIEWS

PRAGMATISM: A NEW NAME FOR SOME OLD WAYS OF THINKING: POPULAR LECTURES ON PHILOSOPHY. By William James. New York, London, Bombay and Calcutta: Longmans, Green & Co., 1907,—xiv., 310 pp.

I suppose there is no man in America, and I doubt if there be one in the world, that can command the undivided attention of students of philosophy as can Professor William James. Some time ago when it was announced in the daily papers that he would give up active class-room work and henceforth devote his time to writing, the philosophical world at once sat up and began to take notice, getting itself ready for something interesting and worth while. Nor was its expectation ill-founded.

As the above title indicates, his recent book is a series of popular lectures on philosophy. They were delivered at the Lowell Institute in Boston in November and December, 1906, and at Columbia University in New York, in January, 1907. Professor James does not regard Pragmatism as a new doctrine, but rather as "a new name for some old ways of thinking," and he points out the relation of his book to the general pragmatic movement in these words taken from his preface: "The pragmatic movement, so-called—I do not like the name, but apparently it is too late to change it—seems to have rather suddenly precipitated itself out of the air. A number of tendencies that have always existed in philosophy have all at once become conscious of themselves collectively, and of their combined mission; and this has occurred in so many countries, and from so many different points of view, that much unconcerted statement has resulted. I have sought to unify the picture as it presents itself to my own eyes, dealing in broad strokes, and avoiding minute controversy."

Of course, any attempt to "unify the picture" of a movement in philosophy that is sufficiently fundamental to appear plainest in the problem of knowledge can deal only in "broad strokes" when limiting itself to eight lectures of an hour's length. Such a series of lectures will necessarily raise in the mind of a student of philosophy many questions that they do not answer. This, too, is

another attempt to, in a measure, popularize philosophy. And certainly if any man could be expected to succeed in that undertaking, one might expect it of Professor James; and that expectation is realized in these lectures as fully as one can ever reasonably hope to find it realized; for certainly a simpler, plainer, and more entertaining and enlightening statement of deep philosophical problems and solutions can nowhere be found. But all lectures on philosophy are much more entertaining to the lay audience when they talk *about* philosophy than they are when they talk philosophy itself; and, as Professor James himself says, the subject is one that requires lengthy and technical treatment if it is to be satisfactory to the professor of philosophy. But as his treatment is neither lengthy nor technical it can hardly be expected to satisfy the professorial tribe.

He calls his first lecture "The Present Dilemma in Philosophy." In it he contrasts the Rationalist's and the Empiricist's views of the universe. The dilemma that he discovers is the contradiction between the theory of the "tender-minded" Rationalist and the facts of the "tough-minded" Empiricist. The dilemma arises out of the contradiction between the all's-well-in-the-world view of the sentimental idealist and the horrible fact of evil as seen in the world by the hard-headed, fact-loving empiricist. But when a rationalistic idealist has been once made to feel the full force of the blow that this dilemma aims at his pet theory, and then remembers that Pragmatism is only "a new name for some old ways of thinking," and remembers further that the essence of truth according to Pragmatism lies in the consequences of its practical application, and, remembering these things, sees that the evil charged against the Universe is still here, he cannot refrain from wondering whether the application of the "new name" to the "old doctrine" will make it more potent for driving the evil out of the universe. If not, the blow aimed by this dilemma, such as it is, will fall not on rational idealism alone but with equal force on Pragmatism as well. In short, if one feel the force of this dilemma as it is intended that he should at the close of the first lecture, one carries that feeling to the close of the book and carries the dilemma away with him unresolved.

The second lecture is a statement and discussion of the meaning of Pragmatism. In this lecture we are told that it is a method

and only a method for solving philosophical problems or settling philosophical disputes. But it turns out to be a theory of truth as well as a method for its discovery. The theory is that "There can be no difference anywhere that doesn't *make* a difference elsewhere—no difference in abstract truth that doesn't express itself in a difference in concrete fact and in conduct consequent upon that fact, imposed on somebody, somehow, somewhere, and some-when." And he adds: "The whole function of philosophy ought to be to find out what definite difference it will make to you and me, at definite instants of our life, if this world-formula or that world-formula be the true one." While the pragmatic method is merely applying the standard of value as a determining test to any two rival hypotheses or propositions, when one has attained to a fixed philosophical theory of truth and has determined the method of its discovery he has, by implication at least, a whole system of philosophy on his hands, and so it proves in this case.

Pragmatism applied to the problems of Substance, Materialism or Spiritualism, Design, Free-Will or Determinism, and others, answers them all by reference to what they promise. In applying the principle to the deeper question of the One and the Many, he finds pragmatism on the side of Pluralism rather than on that of Monism. Why he does this after all fails to appear on pragmatic grounds, but is chosen rather on the grounds of a personal taste for a particular temperament in philosophy that he happens to find congenial. Pragmatism applied to common sense fails to settle the question as to which is more truly scientific and philosophical, knowledge or common sense, and leaves us with no remedy but to wait and see which proves by experience to be the more valuable. Pragmatism's conception of truth emphasizes its value as a means for guiding us prosperously through experience and gives large place to the human element in its constitution. In fact, Professor James's whole book and doctrine is a healthy-minded reaction against the tendency to make philosophy mere verbal criticisms dealing with highly attenuated abstractions. As such it is eminently timely, and yet, as most reactions, it may be rendered one-sided by being pushed to an opposite extreme. Let us hope this may not happen. Whatever else it may do, it is a book that will set men thinking, but what the result of their

thinking will be doth not yet appear. We only know that if the thinking be earnest and sincere, the results cannot be other than good.

W. I. CRANFORD.

THE ESSENTIALS OF ÆSTHETICS. By George L. Raymond. New York: G. P. Putman's Sons, 1906,—404 pp.

The purpose of this timely treatise on the essentials of Æsthetics is to enhance the reader's knowledge and appreciation of what is excellent in the fine arts. The student is at once prepossessed in favor of the work when the author defines Æsthetics as the sciences of the beautiful as exemplified in art. The form and subject-matter as well as the general appearance of the volume are an excellent illustration of the subject treated. One is particularly impressed with the sense of proportion and the measure of self-restraint observed by the writer, who has evidently drunk deeply of the principles of Greek moderation and of the French omission of the non-essentials. Though the book dwells at times somewhat emphatically, after the manner of an iconoclast, upon art as representative rather than imitative of natural appearances, yet it is a sound, discriminating, and intelligent discussion of a subject too little studied in our rather inartistic and melodramatic America. It is a welcome contribution in the field of æsthetic inquiry.

In the opening chapter there is a discussion of art as related to nature, the methods of art and nature being different. A woman, for example, does not present us with a child's expressions, but she re-presents them to us. Art then is *nature made human*, that is, reshaped, re-presented. A distinction is made between useful and æsthetic arts, the latter being the forms or appearances of nature made human. The arts most distinctively human are those which appeal to sight or hearing, those produced by the vocal organs and the hands, animals not being able to imitate or represent by these members of the body. Human life and emotions are most perfectly expressed in music, poetry, painting, sculpture, and architecture, all these belonging to a class termed "the humanities."

A man, furthermore, reproduces sights and sounds for an æsthetic end, because they interest, attract and charm, that is, because they are beautiful. Even a deformed woman, uttering some noble sentiment or performing some sublime act of charity

or self-sacrifice, may cause in us a feeling that we have seen something that is beautiful. A complexity of effects is also essential to beauty, as a curved line, a contrast of colors, or a harmony of musical tones. Again, rhythm and proportion are important factors in the production of artistic beauty. All conscious mental experiences of the beautiful are effects of harmonious vibration produced in the nerve of the brain. There must be a physical harmony for the eye and ear, and a spiritual harmony for the mind, a "music of the spheres." In poetry may be most clearly recognized this combination of mental effects with those of physical form as exemplified in the use of similes by the imagination. Thus the essential element of beauty is seen to be harmonious blending of mental and physical effects. At the end of the chapter on beauty the author gives us the following excellent and comprehensive definition of beauty: "Beauty is a characteristic of any complex form of varied elements producing apprehensible unity (i. e., harmony or likeness) of effects upon the motive organs of sensation in the ear or eye, or upon the emotive sources of imagination in the mind; or upon both the one and the other."

After discussing artistic mental action and artistic form, the author proceeds to give us an illuminating study of art as representative rather than imitative of natural appearances. He contends that representation, which means "to present again, either by image, by action, by symbol, or by substitute" (Webster), has a broader applicability than imitation. He seems to forget that æsthetic imitation used by Plato and interpreted by Aristotle is not simply copying, not a "literal transcript." Professor Butcher, in his "Aristotle's Theory of Poetry and Fine Art" (p. 127), seems to me to settle, once for all, the meaning of imitation, in his doctrine of æsthetic semblance, by which "a work of art reproduces its original, not as it is in itself, but as it appears to the senses." Professor Raymond, however, is consistent in his interesting and lucid discussions of art as representative rather than communicative of thoughts and emotions, art as representative rather than presentative of the personality of the artist, and so on. Then follow excellent chapters on art-composition, rhythm and proportion, harmony of tone in the arts of sound and harmony of color in the arts of sight, in which are given illustrations of the principles governing the origin and development of the various fine arts.

JAMES D. BRUNER.

POLITICAL PROBLEMS OF AMERICAN DEVELOPMENT. Columbia University Lectures. By Albert Shaw. New York: The Columbia University Press, 1907,—vii., 268 pp.

This volume is made up of the series of lectures delivered by Dr. Shaw as the opening course upon the new Blumenthal Foundation in Columbia University. Regardless of the separate lecture titles, the work is to be taken as a single essay or dissertation, and its theme is "the struggle of the American people to realize national unity upon the basis of a homogeneous and well-conditioned democracy."

Dr. Shaw presents us with a strikingly able survey of the unfolding and development of our national life. He has a grasp of his subject which enables him to give a clear and comprehensive but untechnical account of our political and economic problems in their proper setting and relationship. The story is one of social evolution—of the working out of their destiny by the "great blended family of white men of European stock who have made their homes in what was so recently the wilderness of North America." Among the problems discussed are those of sectionalism and unity, population and citizenship, immigration and the race questions, settlement and use of the national domain, the franchise and party machinery, control of railways and trusts, problems of money and the tariff, and problems of foreign policy and expansion.

There pervades Dr. Shaw's book a firm confidence in the future of our people. This is in itself characteristically American. The Southerner will be glad to know that while recognizing its tremendous difficulties he is hopeful even in the face of the negro problem. He points out that "the disinherited and neglected mass of white population" were the worst sufferers by the slavery system. "Every agency of progress and civilization must be invoked to make the poor whites of the South prosperous and intelligent."

As to the future, Dr. Shaw says: "The economic and social upbuilding of the Southern white population will bring about conditions attractive to white immigrants from Europe and the North, and the structure of Southern society will by degrees come to be similar to that of other regions where white men live and work on a high level of intelligence and democratic equality. The

negro race will decline steadily in relative numbers, will remain socially distinct, and will be greatly improved by the sheer necessities of a situation that will subject it to a competitive struggle for existence. There will probably be some apparent tendency toward concentration of negro population in the so-called "Black Belt" and other districts for a time; but the larger tendency will be toward a dispersion of the race. Thus the most difficult social and political situation with which we have had to contend in the formative process of building up our continental American democracy will have been reduced to a fairly workable solution by the resistless dynamics of our onward movement."

Dr. Shaw's wise and sympathetic appreciation of the problems of the South is shown in his discussion of the question of negro suffrage. He regards the present solution as by no means unstatesmanlike. Negro citizens retain their theoretical political rights, but do not at present generally exercise them in the South. But the negro has opportunity to educate his children and to work at his trade or calling, and by degrees there will develop a class of intelligent negroes possessing property and character. Such "will probably, by common consent, come into the actual exercise of their present theoretical rights as citizens." "The North," says Dr. Shaw, "has gradually learned to recognize the inherent difficulties of the race situation, and to see the need of allowing the Southern States to work out their own problems through the changes that can only come about with the passing of the years."

W. H. G.

GERMAN IDEALS OF TODAY. By Kuno Francke, Professor of the History of German Culture in Harvard University. Boston: Houghton, Mifflin & Co., 1907,—viii., 341 pp.

The essays and sketches which make up this book have, with the exception of the last one, previously appeared. While in a sense not closely connected, they do all, however, deal with "the higher life of modern Germany," and are therefore not inappropriately bound together under the title of the opening essay. The temper of the essays is, as the author says, "frankly propagandist," but never objectionably so; and the reviewer heartily recommends the book to all persons interested in German views of public life, education, literature and art. Here, as is his excellent

history of German literature, the author displays fine literary judgment—especially enlightening and timely are his brief criticisms of contemporary authors under the general heading, "Sketches of Contemporary German Letters,"—and, further, he speaks to us as a keen and well informed observer of the intricate social and spiritual life of his native country.

To the general reader the essay entitled "German Ideals of Today" offers most of immediate interest. What, as a nation, are the German people striving to achieve? Out of apparently hopeless confusion of heated political strife he believes himself able to distinguish *social justice* as the aim of German political life; and, furthermore, he has faith in the government, well aware of the solemn obligation resting upon it, to fulfill it to an extraordinary degree. In education he finds the fundamental demand to be *social efficiency*; the power of adjustment to given conditions, a fuller insight into the great problems pressing in upon us from all sides, and a stimulation to active participation in public work of any kind. And this kind of education is to be achieved by devoting less time to Greek and Latin and more to modern languages and literature. And spiritual ideals? Strangely enough from the American point of view, the Germans no longer look to the church for the expression or furtherance of religious ideals. Gradually since the age of German humanism the church has ceased to be a moral leader; it has sunk back to the position of a defender of creeds. It is the only one of all the public forces in German life of today that has remained absolutely stationary. And yet no where has it a greater chance than in Germany, where the people are at heart intensely religious and earnest in their reaching out after the Infinite. But the church refuses, and at its peril, to give up the ecclesiastical doctrine of atonement and preach as a remedy for evil and atonement for guilt not contrition or self-inflicted suffering, but renewed effort, heightened activity, unremitting work. These are since the age of Goethe the guiding principles of German religious ideals. In art he finds the key word to be *sympathy with life*. Humanity is depicted once more as throbbing with the desire to comprehend all, to sympathize with all, to feel at one with all. This spirit he finds symbolized in the far-famed statue of Beethoven by Klinger, a photograph of which forms the frontispiece of the book.

In the essay entitled "The Study of National Culture," the author makes clear what is to be the nature of his work in the new chair at Harvard recently established for him. He differentiates finely between civilization and culture, and pleads for a broader basis of university work. Of not so much general interest is the illuminating essay, "The Evolutionary Trend of German Literary Criticism." "The Inner Life of German Sculpture" discusses the best of German plastic art from the mediæval to modern times, all of which is characterized by the vigor and intensity of the inner life. He hopes that Klinger coming after an age of decadence may with his Beethoven herald a new age of great sculpture. The address on Goethe points out similarities between this great man's spirit and that of the American nation, while the Schiller address stresses the best that Schiller as poet and philosopher can offer us. In Emerson's work and spirit he finds much identical with the best that characterizes the German spirit, while he believes this great American is to mean more and more to the German nation. The concluding short paper on "The Future of German Literature" expresses the conviction of the author that we are on the eve of a new era of German romanticism, and that, all things considered, we may hope for great things.

W. H. WANNAMAKER.

THE BRITISH CITY: THE BEGINNINGS OF DEMOCRACY. By Frederic C. Howe. New York: Charles Scribner's Sons, 1907,—xvii., 370 pp.

Here, as in his previous volume on "The City: The Hope of Democracy," Mr. Howe's theme is the struggle of democracy against special privilege. He attributes the distressing poverty and other social problems with which the city is confronted to unjust economic institutions. Hence, both in America and in Great Britain, the movement for an unfettered democracy finds expression "in the demand for the ownership or the control of the franchise corporations, in the revision of taxation, in the many humane movements for the amelioration of the condition of the poor."

In governmental organization the British city has the advantage of the American. It is free from corruption. "The members of the town councils are responsible and responsive to public opinion. The suffrage is limited to the tax paying class. There

is no boss, no machine, no spoils system." But mere honesty and efficiency have not availed to solve the problems of modern city life. Harrowing, indeed, is the picture of the English city which Mr. Howe presents. In one of his chapters he says: "Words cannot exaggerate the degradation which seems to oppress the mass of the inhabitants. It is seen in their wretched tenements, but most of all in their appearance. No country of western Europe presents a scene of such universal despair as do the cities of Great Britain. The scale of wages, the extent of non-employment, the statistics of poverty, the loss of physical stamina—all confirm the evidences of the eye."

Where lies the responsibility for such evils? Mr. Howe attributes it to a Parliament controlled by the landed and privileged classes, and exercising an economic mastery over the cities in the selfish interest of its members. In his chapter on the British Parliament as "The Sanctuary of Privilege," he maintains that nowhere in the western world is the law-making power in the hands of a body so subservient to special privileges and so regardless of the welfare of the great body of the people. Everywhere the cities are hindered in their efforts to improve conditions by the restrictions and costs imposed in the interest of the land holding classes.

But Mr. Howe finds the beginnings of a genuine democracy in the cities. An important expression of its growth is the progress made in the ownership of public utility enterprises such as tramways, and gas and electric lighting plants. Several chapters compare the results of public and private ownership of such enterprises, much to the advantage of public ownership. Other chapters give interesting accounts of the municipalities of London and Glasgow.

Mr. Howe's book is good reading and full of food for thought. But it must stand as the work of an enthusiastic partisan and advocate rather than as the balanced judgment of an impartial investigator. In the matter of "Municipal Ownership in Great Britain" it is interesting to compare Mr. Howe's views with those presented in the recent book by Professor Hugo R. Meyer on that subject. Here are the warm advocate and the bitter opponent. One would hesitate to accept either as a guide to a wise judgment on the issues presented.

G.



